

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

HONORABLE CONSUELO B. MARSHALL,
UNITED STATES DISTRICT JUDGE PRESIDING

- - -

| | | |
|-----------------------------|---|----------------|
| GLOBEFILL INCORPORATED, a |) | |
| Canadian corporation |) | |
| |) | CERTIFIED COPY |
| PLAINTIFF, |) | |
| |) | CV 10-2034 CBM |
| VS. |) | |
| |) | |
| ELEMENTS SPIRITS, INC., a |) | |
| California corporation, and |) | |
| KIM BRANDI, an individual, |) | |
| |) | |
| DEFENDANTS. |) | |
| ----- |) | |

TRIAL DAY FIVE
REPORTER'S TRANSCRIPT OF PROCEEDINGS
THURSDAY, MARCH 23, 2017
A.M. SESSION
LOS ANGELES, CALIFORNIA

SHERI S. KLEEGER, CSR 10340
FEDERAL OFFICIAL COURT REPORTER
312 NORTH SPRING STREET, ROOM 402
LOS ANGELES, CALIFORNIA 90012
PH: (213) 894-6604

1
2 APPEARANCES OF COUNSEL:

3 ON BEHALF OF PLAINTIFF:

4 BERG & ANDROPHY
5 BY: DAVID BERG, ESQUIRE
6 ZENOBIA HARRIS BIVENS, ATTORNEY AT LAW
 VICKIE MERY, ATTORNEY AT LAW
 3704 TRAVIS STREET
 HOUSTON, TEXAS 77002-9550

7 BERG & ANDROPHY
8 BY: JENNY H. KIM, ATTORNEY AT LAW
 MICHAEL M. FAY, ESQUIRE
 120 WEST 45TH STREET, 38TH FLOOR
9 NEW YORK, NY 10036

10 BIRD, MARELLA, BOXER, WOLPERT, NESSIM, DROOKS,
11 LINCENBERG & RHOW, P.C.
12 BY: HERNAN D. VERA, ESQUIRE
 1875 CENTURY PARK EAST
 23RD FLOOR
13 LOS ANGELES, CALIFORNIA 90067-2561

14 ON BEHALF OF DEFENDANT:

15 CRAVATH, SWAINE & MOORE LLP
16 BY: THOMAS G. RAFFERTY, ESQUIRE
 KEITH R. HUMMEL, ESQUIRE
 REBECCA RIGGET, ATTORNEY AT LAW
 NATHAN DENNING, ESQUIRE
17 825 EIGHTH AVENUE
 NEW YORK, NY 10019

18 MILLER JOHNSON LAW OFFICES
19 BY: JON B. MILLER, ESQUIRE
 427 C STREET
 SUITE 410
20 SAN DIEGO, CA 92101

21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

| | I | N | D | E | X | | |
|-----------------|--------|---|---|---------|---|----------|---------|
| WITNESS | DIRECT | | | CROSS | | REDIRECT | RECROSS |
| MARMOL, Raul | 24 | | | 48 | | 86 | |
| ISAACSON, Bruce | 93 | | | 144 | | 192 | |
| ALVAREZ, Jorge | 201 | | | 212 | | | |
| AYKROYD, Daniel | 212 | | | 276,331 | | 332 | |
| | E | X | H | I | B | I | T S |
| | NUMBER | | | PAGE | | | |
| | 689 | | | 16 | | | |

1 LOS ANGELES, CALIFORNIA; THURSDAY, MARCH 23, 2017

2 A.M. SESSION

3

4

5 THE CLERK: CV 10-2034-CBM: Globefill
6 Incorporated versus Elements Spirits, Incorporated, et
7 al.

8 Counsel, state your appearance.

9 MS. BIVENS: Zenobia Harris Bivens for the
10 plaintiffs.

11 THE COURT: Good morning.

12 MS. BIVENS: Good morning, your Honor.

13 MR. VERA: Good morning, your Honor. Hernan
14 Vera for the plaintiffs.

15 THE COURT: Good morning.

16 MS. KIM: Good morning, your Honor. Jenny
17 Kim for the plaintiffs.

18 THE COURT: Good morning.

19 MR. HUMMEL: Good morning, your Honor.
20 Keith Hummel for Elements Spirits.

21 With me is Nathan Denning and Rebecca
22 Rettig. And I think Mr. Rafferty is outside.

23 THE COURT: Good morning.

24 MR. MILLER: Good morning, your Honor. Jon
25 Miller for Kim Brandi.

1 THE COURT: Good morning.

2 So the record reflects that we are outside
3 the presence of the jury just in case there are some
4 things that need to be discussed before we put the jury
5 in the box.

6 So my staff reported at first there was
7 nothing to be discussed. But then there was a question
8 about a deposition that I believe is to be played
9 tomorrow.

10 So I am hoping it is not that deposition --
11 that 250-page deposition where the designated portions
12 were given to me yesterday with the objections, because
13 I have not read that. And probably will not read it
14 until this evening. So after today's session.

15 Law clerk has taken a look at it. But, of
16 course, I have to read it as well. So I just haven't
17 done that work.

18 So I am curious about that. Maybe it is a
19 different deposition and I don't need to be concerned.

20 MR. VERA: Good morning, Your Honor. Hernan
21 Vera for the plaintiff.

22 No. Your Honor, we are talking about that
23 deposition. But we can postpone the discussion until
24 Your Honor has had a chance.

25 What we wanted to avoid was a ruling on that

1 without the opportunity addressing the points that's
2 important deposition and the issue of La Tilica is very
3 important. And so we wanted and asked for in our joint
4 submission the opportunity to have oral argument, brief
5 oral argument on that issue before the Court rules.

6 So Your Honor would like to do that tomorrow
7 morning, that's fine as well. Or we can present the
8 arguments now and you read it with that in mind;
9 however, Your Honor wishes.

10 THE COURT: No. I think I need to read it
11 first. Because to hear the arguments on something that
12 I haven't read probably I wouldn't follow it as well.

13 MR. VERA: Okay.

14 THE COURT: This is a question I have been
15 asking since day one: When you plan to present that
16 testimony? So it would have been good for me to have
17 known that much earlier so that I could have been
18 prepared and would not disrupt your case.

19 But is it a witness being called by the
20 plaintiffs or the defendants? And maybe being called by
21 both.

22 MR. HUMMEL: That is an interesting
23 question, Your Honor. Keith Hummel.

24 Mr. Escarcega was only disclosed on our
25 witness list. There's a dispute between the parties --

1 or was a dispute between the parties about whether
2 Globefill could add Mr. Escarcega to their list. The
3 way this was resolved was we put both sets of
4 designations together and agreed to play it in our case.

5 So I did receive word from Mr. Berg
6 yesterday that plaintiffs will rest after Mr. Aykroyd.

7 And then we will play Mr. Escarcega. I
8 would -- I'm not entirely sure of the timing, but we
9 would expect to play Mr. Escarcega if there is time on
10 Friday. And if not, then Mr. Escarcega's deposition
11 would be played on Tuesday.

12 THE COURT: All right. That's helpful then
13 in terms of when the Court should meet with the parties
14 for purposes of argument.

15 I probably will not read that deposition
16 until this evening. I expect to be busy with you during
17 the course of the day. If we finish early today, then
18 I'll start reading it sometime this afternoon.

19 So in order for -- to hear the argument and
20 the Court to rule, say tomorrow morning, how much time
21 are we talking about? So how much time would you want
22 to present the arguments to be made before the Court
23 rules?

24 MR. VERA: I would just need five minutes,
25 your Honor, just to highlight some of the issues.

1 THE COURT: Okay. And then for the defense,
2 about the same amount of time?

3 MR. HUMMEL: About the amount of time.

4 THE COURT: What we could do is probably
5 have written rulings. Not anything fancy, but you know,
6 just a piece of paper that says "sustained, overruled,"
7 that kind of thing.

8 And I may give that to you in writing. But
9 I wouldn't want to do that before I heard the arguments.

10 So I would probably be prepared to do this
11 tomorrow morning. Maybe we could meet -- have you been
12 able to come into the building at 7:00?

13 MR. HUMMEL: Yes, Your Honor.

14 THE COURT: So maybe we could plan 7:00
15 tomorrow morning. That would permit you to argue. It
16 would permit the Court to give you the rulings. And
17 then you would still have time to set up to play the
18 deposition. Now maybe it won't be played tomorrow. You
19 may want to play it even Tuesday morning. But at least
20 you'll have time. Because you'll need to take out
21 portions that the Court is not allowing. And so you
22 need time to do that work.

23 So I think this probably will not be not be
24 done tomorrow, probably going to be done on Tuesday, the
25 actual playing. But tomorrow we can -- the Court can

1 hear the arguments. The Court can give you the rulings.
2 You have the weekend to do whatever needs to be done to
3 the video itself. And then it could be played on
4 Tuesday morning.

5 Does that seem to work?

6 MR. VERA: That works for plaintiff, Your
7 Honor.

8 THE COURT: Does that work for the
9 defendant?

10 MR. HUMMEL: It works fine, your Honor. In
11 fact, given the wonders of modern technology we may be
12 able to adjust that deposition during the day if we have
13 the rulings in the morning.

14 THE COURT: So then I want to raise
15 tomorrow's session -- excuse me. So I do plan to recess
16 at 12:00 tomorrow. So our session will be a little bit
17 shorter than usual.

18 So I don't know if we'll finish all of
19 Mr. Aykroyd's testimony tomorrow or not. But you
20 probably have a better handle on that. So if you
21 finish, then the plaintiff may be resting tomorrow, and
22 then everything is fine.

23 But I raise it because I don't know if there
24 is a witness that you plan to call tomorrow that you
25 were concerned if we recess at 12:00 that that witness

1 may be inconvenienced.

2 MR. BERG: Your Honor, good morning. I
3 think we probably will get to Dan Aykroyd's testimony
4 today. I don't think we can finish it today if we shut
5 down at 2:00. But we will certainly -- I anticipate an
6 hour on direct at the most, if that helps Your Honor
7 figure out the schedule.

8 THE COURT: Yes, it does. So we would
9 actually be recessing tomorrow at 12:00.

10 MR. BERG: And then what about today?

11 THE COURT: Today we can work as long as
12 everybody wants to.

13 MR. BERG: I want to work until 2:00. If
14 that's -- if you would relieve me of the necessity for
15 filing a motion for afternoon naps, Your Honor.

16 THE COURT: Don't need to file that motion.

17 Typically we would be working the five hours
18 and recessing the jury. But to accommodate a witness,
19 if we needed to work longer, then I would just advise
20 the jury of that. Unless someone, you know, has made
21 plans to do something that just does not permit them to
22 stay longer. We could stay longer.

23 So today is not a problem. Tomorrow --
24 typically Friday is my travel day. And generally my
25 flights are at around 2:30. So to make that, I need to

1 be here about 12:30. And so I've arranged for that
2 transportation. So today, not a problem.

3 MR. BERG: Thank you, Your Honor.

4 MR. HUMMEL: Your Honor, if -- Keith Hummel
5 again. If we end at 2:00 today, that's fine. I think
6 we have a witness that has to go tomorrow. But we'll
7 have enough time if we go 8:00 to 12:00 based on what I
8 anticipate with Mr. Aykroyd, and that witness.

9 That witness also will be called by video
10 conferencing. He is one of our experts who's
11 unfortunately in New York also on call for another
12 trial. So --

13 But the four hours, until 2:00 o'clock
14 today, and the four hours tomorrow, will be enough to
15 get that witness on.

16 THE COURT: And I've indicated you can call
17 witnesses out of order if you need to. But if it's a
18 witness appearing by video, usually those are the
19 witnesses that can fill in while we are waiting for the
20 live witness to either arrive or to accommodate that
21 witness' convenience. So I'm sure you will work it out.

22 We will have a technician in the courtroom
23 this morning. I understand he is coming about 8:00.
24 Just in case there's anything going on with the
25 equipment on our side, we will have someone here to take

1 care of that.

2 When I checked, just before I entered the
3 courtroom, we didn't have many jurors here. So much so
4 that it caused me to say to my staff: Did I miss
5 something? Is today not a session? So they're usually
6 here pretty early. But today we can meet and talk about
7 things until such time as the jury is here.

8 Is there something else that you wanted to
9 raise with the Court that you are concerned that may
10 come up today?

11 MR. HUMMEL: Your Honor, I don't think there
12 is anything from the side of Elements. I don't know if
13 Mr. Miller has anything.

14 THE COURT: Mr. Miller.

15 MR. MILLER: No.

16 THE COURT: Plaintiff have something that
17 you're concerned may come up?

18 MR. VERA: We just have a question, Your
19 Honor. We have a lengthier proffer that might take as
20 much as ten minutes. Not for today. But on the
21 trademark issue, we wanted to ask from the Court, does
22 the Court prefer that we do that on Tuesday or after the
23 case is submitted? Not sure when. But it will include
24 some documents, and at least about ten minutes of
25 proffer on that.

1 THE COURT: Proffer for?

2 MR. VERA: On the trademark issues. Just
3 for the record.

4 THE COURT: Oh, okay. You can do it any
5 time. I will let you just decide when you're ready to
6 make that proffer.

7 MR. VERA: Okay. Thank you.

8 MR. RAFFERTY: Your Honor, Tom Rafferty for
9 Elements.

10 To the extent that they're going to make a
11 proffer on the trademarks, then we will also want to
12 make a proffer, not only on the trademarks, but on the
13 copyrights that were excluded in connection with the
14 motions in limine.

15 We can do that at the same time at the
16 Court's convenience.

17 THE COURT: So I would just suggest, parties
18 meet and confer and decide best time to make the
19 proffer.

20 So if it is a proffer just to preserve the
21 record, I will let you decide when you wish to put it on
22 the record. That's fine.

23 MR. VERA: Thank you, Your Honor.

24 MR. RAFFERTY: One last housekeeping thing.
25 And we can do this later. We had a discussion after

1 Court on Tuesday about the -- our issue with the Court
2 instructing the jury on instructions. And I think we
3 have reached an agreement on one of the model -- the
4 Ninth Circuit model rules for jury instructions. And
5 we'll submit that with the jury instructions.

6 THE COURT: This is an instruction that
7 you'd like to have me give to the jury as soon as
8 possible rather than waiting to give it at the end?

9 MR. RAFFERTY: I think we'd like to have it
10 done at the end now. I mean, the witnesses are largely
11 over. And so -- from -- the issues that rose were
12 objections during Kim Brandi's testimony and some
13 earlier testimony. So I think we can wait until the
14 end. But we would just like to have the instruction
15 given so the jury is not confused by it.

16 THE COURT: If it's a model instruction, I
17 probably already know it, and would probably just give
18 it -- I think it's better to give it sooner than later
19 if it pertains to a witness' testimony.

20 The chances are that it will be more fresh
21 in their minds now than it will be at the end whenever
22 the end is.

23 So which instruction is it?

24 MR. RAFFERTY: We filed a -- we put in a
25 filing last night, Your Honor. It's instruction

1 No. 1.13.

2 THE COURT: Okay. And if you give it to the
3 clerk, I can take a look.

4 And the plaintiffs have seen it?

5 MR. FAY: Yes, we have, Your Honor. We
6 agreed that this would be the instruction to give.

7 THE COURT: So this is an instruction that I
8 even read to the jury as a part of the preliminary
9 instruction and would always read it at the end.

10 So I can certainly read it now. But if you
11 prefer the Court just including it in the packet of
12 instructions that the Court will read at the end, that's
13 fine too.

14 MR. RAFFERTY: Either way is fine.

15 THE COURT: It's a standard instruction that
16 the Court would always give.

17 MR. RAFFERTY: Thank you, Your Honor.

18 THE COURT: Yes.

19 MS. BIVENS: Your Honor, this is a very
20 minor issue, but just for the record. Exhibit 689 was
21 listed as one of the exhibits that would be used with
22 the witness, I believe Mr. Aykroyd. And the defendants
23 said they had no objection. But we got sidetracked and
24 it was never deemed admitted.

25 THE COURT: Why don't we deem it admitted

1 now. Exhibit 689 is deemed admitted.

2 (EXHIBIT 689 WAS ADMITTED.)

3 MS. BIVENS: Thank you, your Honor.

4 THE COURT: Anything else? If not, I'll
5 leave the bench and we'll just wait for the jury to
6 arrive.

7 MR. HUMMEL: I don't mean to delay the
8 proceedings, but since we have a minute.

9 THE COURT: No.

10 MR. HUMMEL: Your Honor, is there a
11 particular time that the Court has in mind to discuss
12 the jury instructions and the verdict form, just for
13 planning purposes?

14 THE COURT: I don't have a particular time
15 in mind. But we are working on the jury instructions
16 and the verdict form. So what I will be doing is giving
17 the parties a set of the proposed -- Court's proposed
18 instructions and verdict form. And that is what we will
19 use to settle the instructions.

20 So I will get that to you certainly by
21 tomorrow. Maybe even today. And you will have time to
22 read it over.

23 Basically the way that I like to do it is,
24 once you have the set that the Court proposes -- and it
25 would include some of those that you've offered. To the

1 extent that you are not in agreement, I will have
2 selected the one that I think is the appropriate one to
3 give. I may include some that you've not included. So
4 I would give each side an opportunity to raise any
5 objections to the Court's proposed instructions.

6 At that time, if I have not included an
7 instruction that you think should be included, you would
8 also ask the Court to include that particular
9 instruction.

10 So that's how we go about the settling of
11 the instructions. So I would use probably one
12 afternoon. So if we give them to you tomorrow, maybe
13 Tuesday afternoon, after the jury is excused would be
14 the time that we would be discussing them.

15 MR. HUMMEL: Thank you, Your Honor.

16 THE COURT: And then how -- what is the time
17 estimate for the defendants' case once you actually
18 start your case?

19 MR. HUMMEL: Right, Your Honor. So I think
20 I didn't anticipate the short day on Friday. But I'm
21 recalculating in my head. I think we will take the day
22 on Tuesday and I think the morning on Wednesday and then
23 I would rest, Your Honor, at that point.

24 THE COURT: And then there may be rebuttal
25 for the plaintiffs. And if there is, I assume, based on

1 this schedule, probably be Wednesday afternoon or
2 Thursday morning. If there is no rebuttal, and if we
3 settle the instructions, then I would expect you to be
4 prepared to argue once the jury has heard all the
5 evidence in the case.

6 You also need some time to go through the
7 exhibits to make sure that all of the exhibits that you
8 think have been admitted in fact have. So you will be
9 working with the clerk to do that. But that can be done
10 any time with the clerk after the session.

11 And because there's a number of exhibits, it
12 may be helpful to the jury if we have a -- not only a
13 list of exhibits, because the clerk will give them that,
14 but some description that would be meaningful. So the
15 number and some description that would be meaningful,
16 just to help the jury find the exhibits once they are
17 deliberating.

18 So those who are working on exhibits may
19 want to keep that in mind. You would meet and confer
20 and just agree what that is going to look like. Keeping
21 in mind the whole purpose is to be of assistance to the
22 jury when you have lots of exhibits.

23 MR. HUMMEL: Your Honor, I started doing
24 that myself because I can't keep track of all the
25 numbers either. So it would be helpful.

1 THE COURT: I do that. We occasionally do
2 have jurors ask for some assistance on the numbers and
3 whatever it is that they are looking for.

4 So the question I thought that you would all
5 be asking is how much time are you going to have for
6 your arguments?

7 MR. HUMMEL: That is my next question.
8 That's why I'm still standing here. At the risk of
9 wearing out my welcome, Your Honor thought about timing
10 for closings.

11 THE COURT: I usually start with letting you
12 tell me how much time you think you need. And then if
13 it's reasonable, I'll usually give it to you. If I
14 think it's not reasonable, then I will --

15 MR. HUMMEL: Then I'm going to let Mr. Berg
16 go first.

17 THE COURT: It never gets increased. No one
18 ever has: It's too short. It's always too long. So
19 Mr. Berg.

20 MR. BERG: Our argument would -- in total
21 would be about an hour, I would think.

22 THE COURT: Including your argument after
23 the defendants have had an opportunity to address the
24 jury, right?

25 MR. BERG: To be fair -- to be safe, are we

1 going to go held to this strictly, your Honor because I
2 have a --

3 THE COURT: Pretty much. Not at this
4 moment. So I am asking just to get an idea for
5 planning. But at some point, I will ask you again, and
6 then you will be held to that.

7 MR. BERG: I would say at this point an hour
8 to an hour and 15 minutes, including the rebuttal.

9 Will that work for you guys?

10 MR. HUMMEL: I would love to have an hour
11 and 15 minutes, Your Honor. That would be fine.

12 THE COURT: Including --

13 MR. HUMMEL: Try to take less.

14 THE COURT: Including Mr. Miller's argument?

15 MR. MILLER: I don't need a lot of time,
16 Your Honor. Maybe ten minutes. But what I don't want
17 to be doing is worrying that Mr. Hummel is going to take
18 up the time and I get one minute left.

19 THE COURT: Well, why don't you go first.
20 That's an idea, then you don't have to worry.

21 MR. HUMMEL: Then use all my time up.

22 MR. MILLER: I won't belong. Maybe ten
23 minutes.

24 THE COURT: I would say hour and 15 minutes
25 per side. So that does include Mr. Miller. So you do

1 need to meet and confer to discuss.

2 I think two hours and a half of argument,
3 assuming that you use that amount of time, is too long.

4 But if that's the time that you are
5 requesting, I will give it to you. So just keep in
6 mind, it's one voice addressing the jury for an hour.
7 That is a long time.

8 But you're experienced. And you'll decide
9 how much time you need to do this. But, yes, each side
10 can have an hour and a 15 minutes.

11 MR. BERG: If I can have a moment with
12 Mr. Hummel, we may resolve an issue that I don't need to
13 burden the Court with.

14 THE COURT: Okay.

15 MR. BERG: Your Honor, Mr. Hummel and I will
16 work out this issue.

17 THE COURT: Good. Looks like our jurors are
18 all here. And the technician is here.

19 Do you need a short break?

20 MR. BERG: There will be a different team at
21 our counsel table, your Honor.

22 THE COURT: All right. Fine with the clerk.
23 The video is going to be the first thing we
24 are going to do, testimony by video.

25 What's the time estimate for that?

1 MR. FAY: Yes, your Honor. I think we said
2 45 minutes for our side.

3 THE COURT: And about the same for --

4 MR. HUMMEL: Yes. I will try to do it in
5 less. But I tend to draw it on.

6 THE COURT: Just one final question.
7 Mr. Miller, when I was asking about the time estimate
8 for the defense, did you feel like your -- the time that
9 you were going to need was included in that time
10 estimate? What day would the defense expect to rest?

11 MR. MILLER: Oh, yes. My time is included
12 in that.

13 THE COURT: Your time is included. Anybody
14 need a break before the clerk brings the jury in?

15 MR. BERG: Please, Your Honor.

16 THE COURT: All right. Let's take a short
17 break.

18 THE CLERK: Please rise.

19 THE COURT: You may be excused. I am just
20 going to sit here.

21 (BREAK TAKEN.)

22 (JURY ENTERS COURTROOM.)

23 THE CLERK: You may be seated.

24 Counsel, call your next witness.

25 MR. FAY: Yes. Thank you.

1 Michael Fay for Globefill would like to call
2 our next witness, Mr. Raul Marmol.

3 THE COURT: I would just indicate to the
4 jurors, as you can see, the witness is going to be
5 testifying by video conferencing. So the witness is in
6 a different location, not here in the courthouse. But
7 we'll be able to hear the questions that are being asked
8 here in the courtroom. And you will hear the responses
9 being given just as if the witness was actually here in
10 the courtroom.

11 So -- that is the way we will be proceeding
12 with this witness. And his testimony would be treated
13 like any other witness. So all of the things that are
14 important to you as you listen to witnesses' testimony
15 so you can judge credibility, those are all the things
16 you would be considering for this witness just as you
17 would consider for any other witness.

18 Counsel may proceed.

19 MR. FAY: Thank you. Should we swear the
20 witness, Your Honor.

21 THE CLERK: Mr. Marmol, could you please
22 raise your right hand.

23 RAUL MARMOL

24 Called as a witness herein, having been
25 first duly sworn on oath, was examined and testified as

1 follows:

2 THE WITNESS: I do.

3 THE CLERK: Please state and spell your name
4 for the record.

5 THE WITNESS: Raul Marmol, R-A-U-L,
6 M-A-R-M-O-L.

7 **DIRECT EXAMINATION**

8 BY MR. FAY:

9 Q. Good morning, Mr. Marmol.

10 A. Good morning.

11 Q. Please introduce yourself to the jury.

12 A. Good morning. Yes. My name is Raul Marmol. I
13 am a partner at Plus Consulting Corporation.

14 Q. And where is that located? Where are you right
15 now, Mr. Marmol?

16 A. I am in Miami, Florida.

17 Q. What is the business of Plus Consulting?

18 A. Plus Consulting is a group that provides
19 consulting services to the beverage industry, beverage
20 alcohol industry primarily, in the spirits and wine
21 categories.

22 Q. Okay.

23 A. Yes. We provide basically three types of
24 services. The first service is start-up companies,
25 those are small companies that are beginning to market

1 their products or brands that come from overseas that
2 want to enter the U.S. market.

3 The second part of our practice is to
4 provide strategic advice to larger corporations. And we
5 do that on a project basis. Our largest client today is
6 the Gallo Wine Company who is not only -- which is not
7 only the largest wine company in the world, but it's
8 also an increasingly important distilled spirits player.

9 And finally, we do our own projects. We
10 successfully created an organic sangria and took it to
11 market and were able to sell it to a major wine company
12 after 18 months.

13 We are currently exploring some
14 opportunities in the domestic Whisky market.

15 Q. So part of what Plus Consulting does is launch
16 new spirits into the beverage industry?

17 A. Yes.

18 Q. And what is your position at Plus Consulting?

19 A. I am a partner.

20 Q. Are you a founding partner?

21 A. Yes, I am.

22 Q. Okay. And for how long have you been working at
23 Plus Consulting?

24 A. For ten years.

25 Q. Prior to your employment and your partnership at

1 Plus Consulting, were you involved in the beverage
2 alcohol industry?

3 A. Yes. I have been involved in the beverage
4 alcohol business all my professional life. I started in
5 1978 working as a marketing trainee in an import company
6 called W.A. Taylor & Company. I spent 13 years there.
7 And when I left, I was director of marketing.

8 Q. Okay.

9 A. And the company -- yes. Yes, sir.

10 Q. As directed or the marketing at W.A. Taylor, what
11 was your responsibilities?

12 A. I was responsible for all aspects of the
13 marketing mix. At that time it was primarily
14 advertising, sales promotion, PR, pricing and packaging.

15 And at that point, the whole digital and social
16 media did not exist.

17 Q. And what are some of the brands that you were
18 responsible for at W.A. Taylor?

19 A. The flagship brand of the company was Courvoisier
20 Cognac. We also sold Cutty Sark Scotch, Maker's Mark
21 Whisky and Drambuie Liqueur, among others.

22 Q. I believe you mentioned that you were at W.A.
23 Taylor for 13 years.

24 What did you do after that?

25 A. I left W.A. Taylor and joined Bacardi U.S.A.,

1 which was at the time the second largest spirits company
2 in the U.S.

3 I spent another 15 years there. My final
4 position was senior vice president and chief marketing
5 officer.

6 Q. Why don't you explain to the jury some of the
7 responsibilities you had as senior vice president and
8 chief marketing officer at Bacardi.

9 A. Well, I was, of course, in -- responsible for all
10 aspects of marketing again. That was the
11 communication's strategy, the advertising, the
12 packaging, the research, the pricing, the public
13 relations and the on-premise programming for the entire
14 portfolio of brands. In addition to that, I was also
15 charged with developing the company's overall strategic
16 plan.

17 Q. And did you have -- did you have a staff as the
18 chief marketing officer at Bacardi?

19 A. Yes. This was a large organization. I had a
20 staff of over 50 professionals, and an annual marketing
21 budget of \$230 million.

22 Q. And you said strategic marketing plan. Could you
23 explain to us what that is?

24 A. That was to develop basically the business plan.
25 It was a three-year rolling plan for the entire

1 portfolio, which included: Bacardi Rum, Grey Goose
2 Vodka, Bombay Sapphire and Bombay Original Gin, Dewar's
3 Scotches, Martini & Rossi, among other brands. It was a
4 large organization. It had -- the last plan that I
5 submitted was -- had over \$2 billion in revenue.

6 Q. In your position as chief marketing officer at
7 Bacardi, did you on occasion reference, look at, rely
8 upon research on consumer behavior in the beverage
9 alcohol industry?

10 A. Yes. We had a very robust research consumer
11 inside analytics department that was headed up by a
12 research director. And we reviewed syndicated research
13 as well as proprietary research that we conducted on our
14 own. The annual budget was in excess of a million
15 dollars.

16 Q. Was consumer research important to you as the
17 chief marketing officer at Bacardi?

18 A. Yes. It was one the tools that guided all of our
19 communication strategies for each of the brands in the
20 portfolio.

21 Q. And you ultimately left Bacardi; is that right?

22 A. Yes, I did.

23 Q. And is that when you started Plus Consulting?

24 A. That's correct.

25 Q. Now, I would like to talk to you, Mr. Marmol,

1 about your involvement in this case.

2 Has the plaintiff in this case, Globefill,
3 retained you to provide some expert opinions?

4 A. Yes. I am here in that capacity to provide
5 expert opinions.

6 Q. And those are opinions about the beverage alcohol
7 industry?

8 A. That is correct.

9 Q. And how many years have you been involved in the
10 beverage alcohol industry?

11 A. This year will mark my 38th year in the business.

12 Q. How did you come about to being an expert for
13 Globefill in this action?

14 A. Mr. Bill Anderson, who is the director of sales
15 of Crystal Head is a former colleague of mine at
16 Bacardi. And he approached me as to whether I would be
17 interested in providing expert opinion in this action.

18 Q. And did you agree to provide expert opinions in
19 this action?

20 A. Yes, I did.

21 Q. And what did Mr. Anderson ask you to do? What
22 opinions did he ask you to consider giving in this
23 action?

24 A. I don't -- I was given a list of questions on
25 issues that were important to the case. Five of which

1 we are going to review today. And also to submit a
2 written report.

3 Q. Did you submit a written report?

4 A. Yes, I did.

5 Q. And did you provide opinions on those five issues
6 that we are going to discuss today?

7 A. Yes.

8 Q. Okay. And we are going to discuss each of those
9 in order, correct?

10 A. Yes.

11 Q. What did you do to prepare yourself to provide
12 these opinions, these five opinions?

13 A. Well, what I did was I reviewed all of the
14 information that was available through -- as product of
15 the trial, including the expert reports from the other
16 experts in the trial.

17 I also reviewed my own research documents as they
18 pertain to the issues in the case. Looked at syndicated
19 research. I also visited and explored the social media
20 for both brands. And also went to liquor stores and
21 bars and restaurants to see how the products were
22 placed. And to talk to some of the managers of those
23 establishments.

24 Q. When you say both brands, are you referring to
25 Crystal Head Vodka and KAH Tequila?

1 A. Yes. Crystal Head Vodka and KAH Tequila.

2 Q. Let's talk about your opinions. What was the
3 first issue that Globefill asked you to provide an
4 expert opinion on?

5 A. It was to identify important trends, macro or
6 total industry trends, as they affected premium or super
7 premium brands.

8 Q. Are both Crystal Head Vodka and KAH Tequila, in
9 your expert opinion, premium or super premium brands?

10 A. I would define them as super premium brands.

11 Q. And did you reach an opinion on that issue?

12 A. Yes.

13 Q. And what is that?

14 A. Well, the opinion is that there is --
15 important -- important trends in the distilled spirits
16 industry that are important to the brands.

17 The first is that the industry as a whole has
18 grown consistently since the 1980s. And that is
19 predominantly because of favorable demographics in the
20 population, in the U.S. population.

21 Now, within that growth, there have been
22 some important developments. There has been some
23 shifting in category preferences.

24 For example, in the late '80s we saw a shift
25 away from scotch and blends and to some degree bourbons

1 and gin towards vodka, tequila and rum.

2 And today vodka is the largest category,
3 with one in three drinks drunk in the United States
4 being vodka.

5 Consistent with that shifting, we also saw
6 that the industry became more premium. And so what
7 happens as a result of the emergence of imported brands,
8 the value of the industry began to grow, and the
9 imported brands which were more expensive began to
10 dominate.

11 Then consumers began to see these brands and
12 transcend categories. And that's important. Because
13 previously, in a broad stroke, consumers had been
14 consuming categories. I was a scotch drinker, or I was
15 a gin drinker or a vodka drinker.

16 With the emergence of the imported brands,
17 the consumer began to place brands above categories, and
18 view brands in a sense of an affordable luxury which
19 they could enjoy depending on what their neat steak
20 [sic], by that we mean the situation or the people that
21 they are with would affect which brands that they would
22 choose.

23 So it would altogether instead of being I a
24 scotch drinker someone could direction Absolut Vodka on
25 one occasion and drink Jose Cuervo Tequila in another or

1 Bacardi Rum in another.

2 Q. Okay.

3 A. So what we had is that consumers and their
4 choices went from categories to brands, and from brands
5 they also expanded their repertoire so that they would
6 drink multiple brands, depending on the occasion.

7 Q. Okay.

8 A. Finally, and I think it's important also, is that
9 consumers today are willing to try new brands. But the
10 brands have to be well differentiated. And by
11 differentiation, we mean they have to be different.
12 They can't be just another vodka or another rum or
13 another whisky. And that differentiation comes from the
14 packaging, the name, the product story. And the quality
15 of the product itself has to be very good.

16 Q. Now, these trends you're talking about, these
17 trends moving from categories to brands, what is that --
18 what does that mean for a spirit like Crystal Head
19 Vodka?

20 A. Well, it means that there is interactivity
21 between Crystal Head and other brands in the
22 marketplace.

23 Q. Okay. And is there an opportunity there for
24 Crystal Head -- for a brand like Crystal Head Vodka?

25 A. Yes, of course. I think the trends that I have

1 described would have been -- are very favorable for a
2 brand like Crystal Head.

3 Q. But you mentioned that a brand needs to
4 distinguish itself. What do you mean by that?

5 A. That just goes to the issue of differentiation.
6 What that means, you just can't be another vodka or
7 another gin, or another scotch. Because it is a highly
8 competitive marketplace.

9 So consumers are predisposed to try new things,
10 but they have to be compelling. And by compelling and
11 differentiated, again, we mean a great name, a great
12 product story, interesting packaging, and the quality of
13 the liquid inside the bottle has to be very good.

14 Q. Has the number of spirits on the market increased
15 since the 1980s?

16 A. Yes, it has.

17 Q. And has it increased significantly?

18 A. It -- I don't have the exact numbers, but, yes,
19 it has. And more recently -- and I didn't touch upon it
20 because I didn't think it was that important, we have
21 seen the emergence of craft spirits. Those are --
22 there's a proliferation of those. So that also is
23 driving the new products coming into the industry.

24 Q. And does the increase in product, spirit
25 products, increase competition?

1 A. Yes.

2 Q. And does distinguishing your brand, is that
3 important in a market where there is increased
4 competition?

5 A. Without the product differentiation, as I
6 described, it is almost impossible for a new brand to
7 succeed.

8 Q. What was the second issue, Mr. Marmol that
9 Globefill asked you to provide an expert opinion on?

10 A. The second issue was whether vodka and tequila
11 were related and competitive categories.

12 Q. Okay. And did you reach an opinion on that
13 issue?

14 A. Yes, I did. I -- and I think based on what I
15 have talked about in the trends, it is very clear that
16 they both are related and competitive.

17 Q. What do you base that opinion on -- excuse me.
18 I'm sorry.

19 A. Well, I -- I can point to the report provided by
20 one of the expert witnesses which shows that vodka
21 consumers consumed -- 60-plus vodka consumers consumed
22 tequila and 40 percent of tequila consumers consumed
23 vodka. And those numbers are very consistent with all
24 of the research that I have ever done and the syndicated
25 research that is available in the marketplace.

1 So that leads me to the conclusion that, yes,
2 there is a potential interaction or an interaction
3 between vodka and tequila, and they are both related and
4 competitive.

5 Q. And the fact that, as you said, 60 percent of the
6 vodka drinkers also drink tequila, is that consistent
7 with the consumer trends that you were discussing
8 earlier in your testimony?

9 A. Yes. And it goes to the consumer today having a
10 wide range of brands in the repertoire that they drink,
11 as opposed to in the past where they might have been
12 just a vodka drinker or just a tequila drinker.

13 Q. And this consumption of vodka by tequila drinkers
14 and tequila by vodka drinkers, does that also apply to
15 premium and super premium brands?

16 A. Yes. Of course.

17 Q. What was the third issue Globefill asked you to
18 opine on?

19 A. It was the role on packaging in the context of
20 premium and super premium brands.

21 Q. Did you reach an opinion on that issue?

22 A. Yes, I did.

23 Q. Okay. What is that opinion?

24 A. Well, consistent with the evolution towards
25 brands and towards premium and super premium brands,

1 packaging has become one the most important parts of the
2 marketing mix. What brands, super premium and premium
3 brands strive for is a very differentiated packaging
4 that becomes synonymous with the brand so it creates
5 instant awareness and it can act as a silent -- a sales
6 person for the brand, either at a bar or restaurant or
7 in a liquor store.

8 And the evolution of the increase in the
9 premiumness and the specialty of the packaging began
10 with Absolut, which was the first to introduce a clear,
11 paperless label, and to use its iconic packaging as a
12 center of its communication or advertising for many,
13 many years.

14 Since then, we have seen the emergence of
15 this in other brands. I can point to Tanqueray Gin with
16 the distinctive green bottle. Bombay sapphire with its
17 distinctive blue bottle. Maker's Mark with the red wax
18 top. And so -- and perhaps also Grey Goose Vodka with
19 its tall frosted bottle and clear see-through window.

20 Q. Okay.

21 A. So we see more and more effort being put into
22 distinctive packaging as a way to differentiate brands.

23 Q. In your opinion, Mr. Marmol, has packaging been
24 one of the issues that has lead to the success of
25 Crystal Head Vodka?

1 A. Yeah. I think it is one of the key issues. And
2 it is one of several.

3 I think the first -- if I had to rank, packaging
4 would be of course very -- near the top, because it is a
5 very distinctive skull shape that had not been used
6 before in the industry. So clearly there is huge
7 differentiation there.

8 The other aspect of it is the -- Dan Aykroyd's
9 celebrity status. And in the case of Crystal Head
10 Vodka, it went really beyond celebrity status and what
11 we called borrowed interest. Mr. Aykroyd was involved
12 in the development of the brand from the beginning which
13 gave it much credibility. And he has also been a
14 remarkable ambassador even an evangelist for the brands
15 with the trade and with consumers.

16 I saw him to do a presentation to distributors at
17 a convention some years back in Orlando. I thought it
18 was one of the finest presentations that I have ever
19 witnessed.

20 And although I have not attended any of the
21 bottle signings, the bottle signings that he has
22 conducted at retail stores are legendary because of the
23 turn-out of his fans and the movement of his products.

24 Beyond Mr. Aykroyd's celebrity status the brand
25 has a great story and a very good liquid and has been

1 well supported in the marketplace.

2 So I think all of those in concert lead to the
3 success of Crystal Head Vodka with packaging being at
4 the center because it is do distinctive.

5 In my view, I think that based on the success
6 that Crystal Head had in the marketplace, that KAH
7 Tequila adopted a quick follower strategy and entered
8 into the marketplace in order to benefit from the
9 success of Crystal Head Vodka.

10 Q. You said "quick follower strategy," what did you
11 mean by that?

12 A. That means that -- you know, in the industry when
13 a competitor sees that something is working, they adapt
14 to it quickly and move into the market to take advantage
15 of potential opportunities.

16 Q. Have you seen examples of that in your 38 years
17 in the alcohol beverage industry?

18 A. Many examples.

19 Q. Can you give us a couple.

20 A. Well, I think clearly now we are seeing a
21 proliferation of craft brands. And these are all local.
22 So we are seeing a big increase in distilleries around
23 the country.

24 In the vodka segment, there has been a
25 proliferation of flavors. If a flavor gets hot, then it

1 is altogether possible that -- for example, if Absolut
2 launches a flavor that is -- becomes very popular, then
3 it's very reasonable that Smirnoff or some of the other
4 large vodkas or even smaller vodkas will follow with the
5 same flavor.

6 In my experience, we had -- Smirnoff Ice
7 came out with a cooler-type product that became very
8 successful. And we followed with Bacardi Silver shortly
9 thereafter.

10 In the vodka, in the vodka section, Chopin
11 came out with a tall frosted bottle with a clear label
12 and was beginning to have some success. And Grey Goose
13 followed suit with very similar packaging.

14 Q. When you say "packaging," with respect to Crystal
15 Head Vodka, what are you referring to?

16 A. I am referring to the bottle and the bottle
17 shape.

18 Q. And prior -- when was the first time you saw a
19 bottle of Crystal Head Vodka?

20 A. I saw it in a liquor -- in a liquor store.

21 Q. Just ballpark, what time?

22 A. Possibly five years ago. The time has past.

23 Q. And when you saw it, had you ever previously seen
24 a skull-shaped bottle used in the beverage alcohol
25 industry?

1 A. No. It was completely innovative.

2 Q. All right. Mr. Marmol, what is the next issue
3 Globefill asked you to provide an expert opinion on?

4 A. The next issue was the volume development for a
5 new brand entering the marketplace.

6 Q. Did you form an opinion on that issue?

7 A. Yes. How I can describe is how typically a new
8 brand is launched in the United States. By way of just
9 a very brief history, as a result, going back to 1933,
10 and repeal of prohibition, the federal government
11 decided that it was the best interest to leave the
12 administration of beverage alcohol at the state level.
13 And as part of that, a three-tier system was created in
14 which a manufacturer cannot sell directly to retail and
15 must go through a distributor. And it must be a
16 distributor in each state. And that distributor cannot
17 sell across state lines.

18 So typically what will happen is that a
19 company like Crystal Head will begin to appoint
20 distributors in the numerous -- in the 50 states or
21 wherever they want to roll out the brand to.

22 And the first order of business is to sell
23 to the distributor. And that is the first level of
24 pipeline.

25 Once the distributor has it, then the

1 distributor begins the distribution process to liquor
2 stores, restaurants and bars. And this is the second
3 level of pipeline.

4 In that effort, the distributor is assisted
5 by representatives of the Crystal Head company.

6 So that over time distribution at retail is
7 filled. And at the same time, consumers are picking up
8 the brand.

9 So in the early stages, you have both volume
10 coming out of consumer pick-up, and volume coming out of
11 distribution.

12 Over time, once your distribution targets
13 are complete, then the volume that you get is what is
14 called consumer pool return or velocity, which is the
15 real number of what the brand is selling in the
16 marketplace. And it is not affected by the pipeline
17 number.

18 Q. Okay. And in your opinion, Mr. Marmol, has
19 Crystal Head Vodka successfully navigated these three
20 phases that you are discussing of launching --

21 A. Yes. The -- it had -- it was doing well in
22 that -- the final measure, which is the important
23 measure, the turn and the velocity was strong.

24 Q. In your opinion, does the skull-shape design of
25 the Crystal Head Vodka bottle have significance in that

1 success?

2 A. Without a doubt. It is, again, one of the
3 pillars which have driven the success of Crystal Head.

4 Q. All right. Thank you.

5 There is one last issue I believe that we are
6 going to discuss today: What was the fifth issue that
7 Globefill asked you to opine on?

8 A. Whether or not distilled spirits manufacturers
9 would produce a vodka and a tequila.

10 Q. And did you form an opinion on that issue?

11 A. Yes.

12 Q. And what is that opinion?

13 A. The opinion is that the majority of the major
14 suppliers do, in fact, take to market both vodka and a
15 tequila under different brand names.

16 At Bacardi -- Bacardi has Grey Goose and
17 Cazadores Tequila. Brown-Forman, the manufacturer of
18 Jack Daniels has Herradura Tequila and Tallinna Vodka.
19 Diageo, the largest company in the world has Smirnoff
20 Vodka, Ciroc and Ketel One. And on Julio Tequila, Jose
21 Cuervo, the largest tequila manufacturer in the world
22 obviously has Jose Cuervo and they also have Three
23 Olives Vodka. So yes, it is common.

24 Q. How does that opinion impact the issues related
25 to Crystal Head Vodka and KAH Tequila in your opinion?

1 A. I think -- when I first saw KAH Tequila, I
2 thought that it was a product of Crystal Head because of
3 the similarity in the skull and the price.

4 And so, I think, if obviously -- if I can be
5 confused or assume that it was part of the Crystal Head
6 portfolio, I suspect consumers would have the same issue
7 as well.

8 Q. And is part of that because spirits
9 manufacture -- spirits manufacturers make both, vodka
10 and tequila?

11 A. Yes, that's correct.

12 Q. And therefore, it would be reasonable that a
13 consumer might be confused that Crystal Head Vodka was
14 making both a vodka and tequila?

15 A. Yes. Or assume that it was -- that KAH Tequila
16 came from the Crystal Head company.

17 Q. What are the benefits of marketing more than one
18 spirit for spirit manufacturers?

19 A. Well, what happens is that these are large
20 company that have sales forces. And they use the
21 commercial platform that they have in their distributor
22 network to sell multiple -- multiple labels. It's very
23 efficient from a business point of view.

24 Q. Let me just follow-up on something you said. You
25 said when you first saw KAH Tequila you confused it as a

1 Crystal Head Vodka product.

2 Did you do anything when you saw that KAH bottle?

3 A. Yeah. I called Bill Anderson, and I asked him
4 about --

5 Q. Once again, who's Bill Anderson?

6 A. Bill Anderson is the director of sales of Crystal
7 Head Vodka.

8 Q. Okay.

9 A. And Bill informed me that, no, it was not their
10 product.

11 MR. FAY: I believe that's it, Mr. Marmol.
12 Thank you.

13 Pass the witness.

14 THE COURT: Cross?

15 MR. HUMMEL: Mr. Marmol, are you still
16 there?

17 (VIDEO CONNECTION LOST.)

18 THE COURT: The jurors may stand and stretch
19 while we are waiting.

20 I'm going to read a few instructions. The
21 witnesses who are called at trial to render opinions and
22 the witness that we have heard and will continue to hear
23 this morning has rendered some opinions on issues that
24 he was asked to address. The instruction reads as
25 follows:

1 You heard testimony from a person who,
2 because of education or experience, is permitted to
3 state opinions and the reasons for the opinion.

4 Opinion testimony should be judged just like
5 any other testimony. You may accept it or reject it and
6 give it as much weight as you think it deserves,
7 considering the witness' education and experience, the
8 reasons given for the opinion, and all other evidence in
9 the case.

10 The Court will also read another instruction
11 at this time. And I will read these again at the end
12 and you will have copies.

13 There are rules of evidence that control
14 what can be received into evidence. When a lawyer asks
15 a question or offers an exhibit into evidence and the
16 lawyer on the other side thinks that it is not permitted
17 by the rules of evidence, that lawyer may object.

18 And you've seen some of that in the
19 courtroom with witnesses who were testifying.

20 If I overrule the objection, the question
21 may be answered or the exhibit received. If I sustain
22 the objection, the question cannot be answered and the
23 exhibit cannot be received.

24 Whenever I sustain an objection to a
25 question, you must ignore the question and must not

1 guess what the answer might have been.

2 Sometimes I may order that evidence be
3 stricken from the record and that you disregard or
4 ignore that evidence.

5 That means when you are deciding the case,
6 you must not consider the stricken evidence for any
7 purpose.

8 Now, this instruction is given to you
9 because of instances, not with this witness, at least
10 not on the examination that's been conducted, but other
11 witnesses who have testified in the trial.

12 You will recall that counsel sometimes will
13 object to the question, and then the witness may not
14 answer the question if the Court sustains the objection.

15 Other times the witness may have answered
16 before the Court has an opportunity to rule. And again,
17 if the Court sustains the objection, the Court has
18 ordered that the statement or the testimony be stricken
19 from the record and that the jurors disregard or ignore
20 that evidence, and the jurors are required to follow
21 that instruction.

22 THE COURT: I think we have our witness now
23 and ready to go. This is cross-examination.

24 **CROSS-EXAMINATION**

25 BY MR. HUMMEL:

1 Q. Good morning, Mr. Marmol. I am the lawyer for
2 Elements Spirits, the lawyer for this action. You
3 understand that?

4 A. Yes.

5 Q. Now, did I hear you at the end of your testimony
6 say that you had seen Crystal Head Vodka and KAH Tequila
7 at a store?

8 A. Yes.

9 Q. I believe you said that after you left that store
10 you had a conversation with Mr. Anderson about what you
11 had seen; is that correct?

12 A. Yes.

13 Q. Are you absolutely sure about that, Mr. Marmol?

14 A. I -- I certainly had the conversation. I can't
15 say that it was strictly right after I saw it in the
16 store.

17 It would have been the next time that I talked
18 with Mr. Anderson.

19 Q. So you believe you took some action based on your
20 viewing KAH Tequila and Crystal Head Vodka in that
21 store, right?

22 A. Yes.

23 MR. HUMMEL: Your Honor, I would like to
24 read from Mr. Marmol's deposition dated October 30th,
25 2013, page 25, line 11 to page 26, line 15.

1 THE COURT: And the date of deposition
2 again?

3 MR. HUMMEL: October 30th, 2013.

4 MS. KIM: Your Honor, can we have a moment
5 to review the testimony?

6 THE COURT: Of course.

7 MR. HUMMEL: Page 25 line 11, to page 26,
8 15.

9 THE COURT: After you've reviewed it, you
10 will advise the Court whether you have an objection to
11 it being read.

12 MS. KIM: Yes, Your Honor.

13 THE COURT: And I will read another
14 instruction to the jurors.

15 If you recall, we heard deposition testimony
16 previous ly, or questions and answers given based upon a
17 deposition.

18 And the Court did explain what a deposition
19 is. A deposition is the sworn testimony of a witness
20 taken before trial. The witness is under oath to tell
21 the truth. And lawyers for each party may ask
22 questions. The questions and answers are recorded. The
23 deposition is taken on a specific date. And in this
24 case, counsel has indicated the date was October 30th,
25 2013. And so that an instruction that the Court has

1 read as to what the a deposition is.

2 The Court also indicated to the jury that
3 one of the purposes for questioning a witness about his
4 or her deposition testimony, counsel may believe that
5 the testimony is either consistent with previous
6 testimony given or inconsistent with previous testimony
7 given, and the jurors in deciding credibility of
8 witnesses and who to believe and not to believe, may
9 consider that fact in determining credibility.

10 In other words, the witness previously
11 testified consistent with the testimony given at trial.
12 Or the witness previously testified different or
13 inconsistent with testimony given at trial.

14 That is a factor that you may consider in
15 judging credibility of witnesses and how much weight
16 should be given to their testimony.

17 Counsel.

18 MR. FAY: Your Honor, we object. We don't
19 see the impeachment.

20 THE COURT: All right. So I think the Court
21 has the deposition. And I so I will review it and then
22 rule.

23 (PAUSE.)

24 THE COURT: The Court has reviewed the
25 sections that have been designated, and the Court would

1 permit the reading as a part -- a part of the reading
2 from the deposition. Starting at line 22 on page 25.
3 And then Counsel may read through line 15 on page 26.

4 MR. HUMMEL: Yes, Your Honor.

5 "QUESTION: Okay. Do you recall when you
6 first saw KAH Tequila in the marketplace?

7 "ANSWER: No.

8 "QUESTION: Have you ever purchased KAH
9 Tequila?

10 "ANSWER: No.

11 "QUESTION: Okay. Did you, once you saw it,
12 and made a mental note of it, did you do anything with
13 the information that there is this new product out there
14 called KAH Tequila?

15 "ANSWER: Yeah, I thought it was a line
16 extension of Crystal Head.

17 "QUESTION: Okay. So at that time you knew
18 about Crystal Head?

19 "ANSWER: Yes.

20 "QUESTION: Okay. And you had this
21 particular thought that you just shared. Did you take
22 any action based on that thought?

23 "ANSWER: No.

24 BY MR. HUMMEL:

25 Q. Now, Mr. Marmol, you testified that you know

1 Mr. Anderson from your time at Bacardi, right?

2 A. Yes.

3 Q. And in fact --

4 A. We were colleagues at Bacardi for 15 years.

5 Q. For 15 years. And you left Bacardi at around the
6 same time that Mr. Anderson left, right?

7 A. Yes. I left a little before he did.

8 Q. You were both around the same level at Bacardi,
9 right?

10 A. I was the chief senior vice president, chief
11 marketing officer. Bill was the director of sales.

12 Q. And that's about the same level at Bacardi?

13 A. Yes, uh-huh. Yes.

14 Q. And after you left Bacardi, you formed your
15 consulting firm Plus Consulting, correct?

16 A. Yes, that's correct.

17 Q. And Mr. Anderson, when he left Bacardi, went off
18 to a company called Infinium, right?

19 A. That is correct.

20 Q. And you understand that Infinium is the
21 distributor of Crystal Head Vodka, right?

22 A. Infinium is the importer of Crystal Head Vodka.

23 Q. Thank you for the correction.

24 And Mr. Anderson was the president of
25 Infinium, right?

1 A. Yes, he was.

2 Q. And while Mr. Anderson was at Infinium, he hired
3 you as a paid consultant for Infinium, right?

4 A. Yes.

5 Q. And in fact your company, Plus Consulting, did
6 work for Infinium, right?

7 A. Yes.

8 Q. And Mr. Anderson was your contact for the work
9 that Plus Consulting did for Infinium, correct?

10 A. Yes, that is correct.

11 Q. And at the time that Mr. Anderson called you to
12 ask you to be an expert in this case, it is true that
13 you had never been an expert witness in a court case,
14 correct?

15 A. That's correct.

16 Q. And in fact the reason you did it is because you
17 did it as a favor to Mr. Anderson, correct?

18 A. I wouldn't categorize that as a favor. I did it
19 because I thought the proceedings -- or the case was
20 interesting. And I also had an interest to see if this
21 was a line of business that could be adopted by Plus
22 Consulting.

23 Q. So you thought that if you acted as an expert
24 consultant, you might get some additional work from that
25 experience, right?

1 A. Yes. Well, I wanted to -- had never done it, so
2 I wanted to see what it was about.

3 Q. I want to talk to you about the materials that
4 you reviewed when you prepared your opinions, okay?

5 A. Yes.

6 Q. And I want to make sure that there is no
7 misimpression here today about what you actually
8 reviewed. Okay?

9 A. Correct.

10 Q. I think you testified, if I heard you correctly,
11 that you reviewed legal materials from this case; is
12 that correct?

13 A. Yes.

14 Q. And I thought I heard the word "all," so I want
15 to make sure you didn't review all the legal materials
16 submitted in this case, correct?

17 A. No. I reviewed what was given to me to review.

18 Q. And you listed in your expert report the
19 materials that you had reviewed, correct?

20 A. Yes.

21 Q. And do you have a copy of your expert report in
22 front of you?

23 A. Yes. Thank you. Uh-huh.

24 Q. Can you turn to the very last page of your expert
25 report, sir.

1 A. Yes.

2 Q. There is a section called "Materials considered."
3 Do you see that?

4 A. Yes.

5 Q. Okay. And it lists eight items, right?

6 A. Yes.

7 Q. And the first -- one, two, three, four, five
8 items are four declarations and an expert report, right?

9 A. Yes.

10 Q. And two of those declarations are declarations of
11 Mr. Anderson, correct?

12 A. Yes.

13 Q. And then you listed some websites relevant to the
14 matter, correct?

15 A. Yes.

16 Q. And then you indicated some industry reports,
17 which I think you elaborated upon on your direct, right?

18 A. Yes.

19 Q. And then you had some liquor store bar visits,
20 right?

21 A. That's correct.

22 Q. Those are the materials that you reviewed in this
23 case, correct?

24 A. Yes.

25 Q. You didn't review any documents that were

1 produced by Globefill in this case, correct?

2 A. These -- to my recollection, these were the
3 reports that I reviewed.

4 Q. This was it. But you never reviewed any
5 documents that -- like business records that came from
6 Globefill?

7 A. No.

8 Q. You didn't look at any financial data from
9 Globefill, right?

10 A. No.

11 Q. You didn't look at any materials that were
12 produced by KAH Tequila in this case, right?

13 A. No.

14 Q. Okay. Now, one of the things that Plus
15 Consulting does is consulting for start-ups, right?

16 A. Yes, that's correct.

17 Q. Can you see me, by the way?

18 A. Yes.

19 Q. Okay. Great. And Plus Consultant's expertise is
20 in the start-up of liquor brands, right?

21 A. Yes.

22 Q. And you know from your experience in conducting
23 consulting work for start-ups that starting up a new
24 brand is a long and arduous process, right?

25 A. That is correct.

1 Q. You are aware that every year hundreds of liquor
2 brands are introduced into market, new liquor brands,
3 right?

4 A. Yes.

5 Q. Is it hundreds or thousands?

6 A. It depends on how you say brands; if you count
7 line extensions, it would be thousands.

8 Q. Thousands. Okay.

9 And you would agree with me, sir, that, the vast
10 majority of those start-ups fail, right?

11 A. Yes, that is correct.

12 Q. And a lot of times start-ups will achieve some
13 success and then fail, right?

14 A. Well, generally speaking, the products fail
15 because they are either not properly differentiated or
16 don't have the resources to continue the effort.

17 Generally speaking, if there is some traction,
18 then there is some level of success. I would suggest
19 that there are few products that are successful and then
20 are withdrawn.

21 I'm not sure if I'm being clear.

22 Q. If I may, let me ask another question. I'm not
23 quite sure you were addressing my question. Which was
24 that --

25 A. Okay.

1 Q. -- there are some start-ups that you are aware of
2 where it starts out, has some growth, and then flattens
3 out, right?

4 A. Well, yes. The key here is what I testified to,
5 was that once the pipeline is filled, okay, and that can
6 be misconstrued as growth, because that is revenue. But
7 once you filled the pipeline, then the crucial measure
8 of a brand's success is it's velocity or its turn, which
9 is the measure of consumer pull.

10 Q. I understand your answer, Mr. Marmol. I would
11 just like the answer to my question, which is: There
12 are some instances where there is a start-up --

13 A. Right.

14 Q. -- it has some initial success and then that
15 start-up's sales can flatten out, right? That can
16 happen?

17 A. Oh, without a doubt. I would argue that all
18 consumer brands follow that trend.

19 Q. And then --

20 A. And they eventually hit a volume threshold.

21 Q. And it's the case that some start-ups that start
22 off and then just fail right at the get-go, correct?

23 A. Correct.

24 Q. And the fact of the matter is that of these
25 thousands of brands, you can't predict which ones are

1 going to succeed and which ones are going to fail
2 without them being --

3 A. That is correct.

4 Q. -- introduced into the market?

5 A. That is correct.

6 THE COURT: The Court will just instruct the
7 witness to wait until counsel completes the question
8 before you attempt to answer.

9 THE WITNESS: Sorry, Your Honor.

10 BY MR. HUMMEL:

11 Q. Mr. Marmol, one of the opinions that you gave on
12 direct is essentially that packaging matters, right?

13 A. Yes.

14 Q. And among the methods for packaging
15 differentiation are, for example, bottle shape, right?

16 A. Yes.

17 Q. And another way to differentiate between
18 packaging is glass type, right?

19 A. Excuse me?

20 Q. Another way to differentiate packaging is by
21 different types of glass, right?

22 A. Glass?

23 Q. Glass. Yes.

24 A. Yes. Yes.

25 Q. And another way to differentiate packaging is by

1 having something not made out of glass, right?

2 A. Yes.

3 Q. For example, you could have a package that's made
4 out of ceramic, correct?

5 A. Correct.

6 Q. That would be different than a bottle that's made
7 out of glass, correct?

8 A. Yes.

9 Q. And another way to differentiate packaging is
10 through the use of color, right?

11 A. Yes.

12 Q. So you could have a clear bottle on the one hand
13 and you could have a colored bottle on the other hand,
14 that would be different packaging, correct?

15 A. Yes.

16 Q. And then another way to differentiate your
17 packaging is by having different labelling, right?

18 A. Yes.

19 Q. So the different label you choose and where you
20 place that label can differentiate one package from
21 another, correct?

22 A. Yes.

23 Q. And another way to differentiate your packaging
24 is to have different closure types, right?

25 A. Yes.

1 Q. And have different caps, correct?

2 A. Yes.

3 Q. Of course, there are many, many other ways to
4 differentiate your packaging from another bottle's
5 packaging, right?

6 A. Yes.

7 Q. Now, in your experience there are lots of
8 different packagings that are introduced into the market
9 every year, right?

10 A. Yes.

11 Q. And in fact, that's one of the ways that brands
12 differentiate themselves from each other, right?

13 A. Or try to differentiate, yes. Try to.

14 Q. And there are many, many bottles that are
15 introduced every year that fail, right?

16 A. Yes.

17 Q. And then there are many, many standard packaging
18 bottles that succeed, correct?

19 A. Some. Some. I would -- I don't think it is in
20 absolute terms. What I would suggest is the more
21 differentiated the packaging, the greater the chance of
22 success, generally speaking.

23 Q. There are lots of different types of unique
24 packaging that end up failing, right?

25 A. Yes.

1 Q. Packaging that you as an industry expert look at
2 and say, That's a really cool bottle, right?

3 A. Right.

4 Q. And sometimes those bottles fail because people
5 will only buy them for the novelty of the packaging,
6 right?

7 A. Among other things, it could be the name. It
8 could be the liquid itself. It could be the price. It
9 could be lots of variables affecting whether a brand is
10 successful or not. Packaging is one the elements.

11 Q. You would agree with me that people will buy a
12 unique package solely for the package, right?

13 A. Yeah, sometimes, for sure.

14 Q. And then they might not buy another bottle of
15 that particular spirit again, right?

16 A. Possibly.

17 Q. You know this for a fact, that people will buy a
18 novelty bottle and put it on their shelf at their bar
19 and never drink it. You know this as an industry
20 expert, right?

21 A. Well, I think what I've heard is at the higher
22 end there are duty free, people tend to do that with
23 some brands, yes.

24 Q. And some people may never actually drink the
25 liquid in the bottle, right?

1 A. It is possible.

2 Q. Now, one of the other opinions that you rendered
3 is that tequila and vodka are related or competitive.

4 Did I get that right?

5 A. Yes.

6 Q. And you also think that vodka is related and
7 competitive with rum, for example, right?

8 A. Yes.

9 Q. You also think that vodka is related and
10 competitive with gin, right?

11 A. Yes.

12 Q. And you also consider vodka to be at least
13 competitive with whisky, right?

14 A. Yes.

15 Q. So --

16 A. Possibly to a lesser extent than the ones you
17 previously mentioned; but yes.

18 Q. When you get to the point -- if I understood your
19 opinion correctly -- the super premium category, in the
20 super premium category all of these spirits, vodka,
21 tequila, rum, gin, and possibly whisky, all compete with
22 each other; that's your view, right?

23 A. Yes, that's correct.

24 Q. When you get to the super premium, premium
25 category, are you talking about bottles that are over a

1 certain dollar amount?

2 A. Yes.

3 Q. What's the dollar amount you are using?

4 A. That -- that number can vary, depending on the
5 definitions used by different sources.

6 But generally speaking, it would probably be
7 anything north of 25 or \$30.

8 Q. So you know that in this case we are involving --
9 it involves two brands, Crystal Head Vodka and tequila
10 which are in the super premium category, right?

11 A. Yes.

12 Q. And in your opinion, purchasers of super premium
13 brands are relatively sophisticated about spirits,
14 right?

15 A. Generally speaking, I think we could categorize
16 that. It is not always the case; but yes.

17 Q. But generally speaking --

18 A. Generally speaking, yes.

19 Q. And generally speaking, consumers of high-end
20 brands are careful about their purchasing decisions,
21 right?

22 A. Well, I'm not sure that I would categorize it as
23 careful. They might be willing also to explore new
24 items if it's of interest. So I'm not sure that I would
25 say careful. I would say that they are well-informed.

1 Q. Well-informed.

2 And they pay attention to the brands that they
3 are buying -- or trying, right?

4 A. Generally, speaking. But, again, you know, we
5 are, in many instances, also impulse consumers. So...
6 I'm not sure I would generalize it completely.

7 Q. Thank you.

8 Amongst these different categories of spirits,
9 vodka, tequila, gin, rum, let's just take those, those
10 spirits have differ taste s and aromas, right?

11 A. Yes.

12 Q. And as a general matter, vodka has a taste and
13 aroma that's very different from tequila, correct?

14 A. Yes.

15 Q. And in fact, vodka is intended to be odorless and
16 tasteless and colorless as possible, right?

17 A. Well, that's the legal definition. I would
18 suggest that the manufacturers of different brands claim
19 that their vodkas taste different from one another.

20 Q. Right. And you are aware of, based on your work
21 on this case, that Crystal Head Vodka advertises itself
22 as being entirely pure, right?

23 A. Yes.

24 Q. And, in fact, Crystal Head Vodka prides itself on
25 being as close to true vodka as possible, right?

1 A. Yes.

2 Q. So there is no additives in coloring or -- there
3 are no additives or colorings in Crystal Head Vodka,
4 right?

5 A. Yes. That's my understanding.

6 Q. That's what they're marketing, right?

7 A. Yes.

8 Q. So Crystal Head Vodka is as close to the paradigm
9 of colorless, odorless and tasteless followers, right?

10 A. I think if that's how you are going to define
11 purity, then fine. I think that they are closer to
12 purity than to odorless, colorless and tasteless.

13 I am frequently asked this question about vodka.
14 And the only -- the best answer I could give is if you
15 taste different waters, right, they're all water, but
16 they all taste a little bit differently.

17 Q. Have you drunk Crystal Head Vodka yourself?

18 A. Yes.

19 Q. And based on your professional opinion, is it as
20 colorless, odorless, and tasteless as possible in vodka?

21 A. Well, I find it to be a very clean vodka. I'm
22 struggling with giving you definitions. But, yes, vodka
23 by definition has very little taste.

24 Q. And tequila on the other hand has a distinctive
25 aroma and taste, right?

1 A. Yes.

2 Q. And that's because tequila comes from the agave
3 plant, right?

4 A. Correct.

5 Q. So if I put your opinions together, I would
6 assume that your view is that a vodka with very little
7 taste or aroma would be still related and competitive to
8 a highly flavored tequila; is that correct?

9 A. Yes, that's correct, because it is dependent on
10 the need, state, or the occasion that the consumer
11 chooses the product.

12 Q. And if --

13 A. If I may give you an example.

14 Q. Sure.

15 A. In the case of Bacardi Rum, Bacardi Rum's lead
16 competitor was Captain Morgan, which was a rum. But it
17 was also in direct competition with Smirnoff Vodka and
18 Absolut. And in fact, a heavy or a good Bacardi drinker
19 drank more vodka than Bacardi. So really it was just an
20 interaction, not based on the intrinsic of the product,
21 but really the mood or the occasion or the mixer that
22 the consumer wanted when they made the choice between
23 Captain Morgan and Bacardi or made the choice between
24 Bacardi and Smirnoff and Absolut.

25 Q. So I just want to be clear that your view is that

1 a -- as colorless, tasteless vodka is competitive and
2 related to a flavorful tequila. In your view, correct?

3 A. Yes.

4 Q. Now, you did some work -- consulting work for
5 tequila companies, right?

6 A. Right now the only tequila company that we are
7 working with is the tequila from the Gallo Company.

8 Q. What is that tequila called?

9 A. Casa Camarena.

10 Q. In the past you've done some consulting work for
11 other tequila companies, right?

12 A. Yes.

13 Q. One of the companies you did some work for was a
14 company called Tanteo, right?

15 A. Yes.

16 Q. And Tanteo Tequila is infused with jalapenos,
17 correct?

18 A. Yes, correct.

19 Q. And Tanteo is a high-end tequila, super premium
20 tequila, right?

21 A. Yes.

22 Q. But your view is that KAH Tequila does not
23 compete with Tanteo Tequila, correct?

24 A. I would say that because of the difference in the
25 price points, directly it does not. On a broad sense,

1 it could.

2 Q. You are aware that KAH Tequila Blanco retails for
3 about \$40 a bottle, right?

4 A. Yes.

5 Q. And you worked on the Tanteo brand, right?

6 A. Right.

7 Q. And you are aware that the Tanteo brand
8 retails -- suggested retail price is 42.99, right?

9 A. At this point, yes.

10 Q. And today, do you believe that Tanteo Tequila is
11 competing with KAH or not?

12 A. It would -- it would be very difficult for me
13 to -- I have not worked for Tanteo for many years, so I
14 don't know what they are doing right now.

15 Q. So let me -- I would like to read from
16 Mr. Marmol's prior testimony, November 22nd, 2013. This
17 is lines 10 through 12. Page 36, lines 10 through 12.

18 THE COURT: We'll give the plaintiffs'
19 counsel time to read that and advise the Court whether
20 or not you have any objection.

21 MS. KIM: What were the lines again?

22 MR. HUMMEL: 10 through 12.

23 MR. FAY: No objection, Your Honor.

24 THE COURT: You may read it.

25 MR. HUMMEL: "QUESTION: And is Tanteo

1 Tequila a competing tequila with KAH Tequila?

2 "ANSWER: I don't think so. It is a
3 flavored jalapeno tequila.

4 BY MR. HUMMEL:

5 Q. So Mr. Marmol, it is not so simple that all
6 high-end vodkas and tequilas compete with each other,
7 right?

8 A. No. I think I striven to stress that it is a
9 complex consumer behavior issue.

10 Q. In fact, it is in today's environment an issue of
11 complex consumer behavior, right?

12 A. Yes.

13 Q. Now, despite that complexity, you didn't conduct
14 any interviews of actual consumers to understand their
15 behavior when it comes to choosing between a tequila or
16 vodka, right?

17 A. No, I did not.

18 Q. And you did not ask any actual consumers about
19 their habits and when they chose -- choose to drink
20 vodka or tequila, right?

21 A. I did not conduct any research for this action,
22 because based on the questions that I was being asked to
23 render an opinion on, I felt that my experience of
24 38 years would be sufficient. I don't think that there
25 would be anything that would be revealed to me beyond

1 what I know from past experience working in both
2 categories.

3 Q. The fact of the matter is, you didn't go out to
4 ask any actual consumers if they would substitute vodka
5 for tequila, right, that's true?

6 A. No, I did not. I relied on my experience.

7 Q. In fact, in your experience, there are some
8 consumers who will under no circumstances substitute
9 tequila for vodka, right?

10 A. That is possible, yes.

11 Q. It is not --

12 A. The research indicates that over time that
13 becomes an increasingly smaller number. But, yes, there
14 are still, I am sure, people who only drink tequila.
15 The trend is for consumers to have a varied brand
16 assortment.

17 Q. And there are a lot of people out there, a lot of
18 consumers of alcoholic beverages who always stick to
19 their brand, right?

20 A. The trend is increasingly to have a varied --
21 now, if I am a vodka drinker and prefer Ketel One, yes,
22 that would be my brand of choice. If Ketel was not
23 available, I probably would go to a Grey Goose or
24 something else.

25 I think the importance of what I'm getting at is

1 that I could be a Ketel One drinker but I can also enjoy
2 a Jose Cuervo Margarita depending on the occasion.

3 If we are ordering, for example, appetizers at a
4 restaurant, I might choose to have a Margarita instead
5 of a -- a Cuervo Margarita instead of having a Ketel One
6 vodka on that occasion. This is where the relatedness
7 of these spirit brands occur.

8 Q. Mr. Marmol, my question to you was, you are aware
9 of the fact that there are people out there, consumers
10 of alcoholic beverages who will stick with their brand,
11 right?

12 A. Yes.

13 Q. And, in fact, you have a personal preference for
14 Grey Goose vodka, right?

15 A. No, no longer. But I used to.

16 Q. You used to.

17 At the time you gave your deposition in this case
18 that was your preference, right?

19 A. Yes.

20 Q. Now, you gave some views about the flattening of
21 sales for Crystal Head Vodka, right?

22 A. If you could refresh me.

23 Q. You were opining that the introduction of KAH in
24 your view had some effect on Crystal Head Vodka, right?

25 A. Yes, I think so.

1 Q. And those opinions were not based on any
2 documents you reviewed from Globefill, correct?

3 A. I don't think so. No, that is correct.

4 Q. Well, do you know or do you think?

5 THE COURT: Does the witness have the
6 question in mind? Do you recall the question that was
7 asked.

8 MR. HUMMEL: I can ask another one.

9 THE WITNESS: Yes. I just --

10 THE COURT: All right. Does counsel --

11 THE WITNESS: I don't recall if there was,
12 in any of these declarations, sales -- sales
13 information.

14 BY MR. HUMMEL:

15 Q. Sitting here today, you don't recall whether
16 there are any sales figures that you reviewed, right?

17 A. I just don't recall.

18 Q. And you didn't contact any -- sorry. Did you
19 want to say something?

20 A. No.

21 Q. And you did not -- and isn't it a fact, sir, that
22 you did not review any Crystal Head or Infinium
23 documents referring to any reason for any flattening or
24 decline in sales of the Crystal Head product?

25 A. That's correct. The only materials that I

1 considered were the ones that you pointed to in my
2 report.

3 Q. Isn't it the case you did not contact any Crystal
4 Head or Infinium executives to ask for any actual
5 reasons why Crystal Head Vodka had a flattening or
6 decline in sales, right?

7 A. That's correct.

8 Q. You didn't ask for any written materials to back
9 up that opinion, right?

10 A. No.

11 Q. And you didn't think it was important to have any
12 actual information from Crystal Head Vodka about their
13 sales, right?

14 A. If I recall, I -- my instructions were to review
15 these materials.

16 Q. My question --

17 A. Strictly these materials.

18 Q. This all counts against my time.

19 So let me make sure that we are clear about the
20 question I'm asking here.

21 Did you think it was important that you have
22 actual information from Crystal Head's company,
23 Globefill, as well as from the U.S. importer of Infinium
24 with respect to the sales of Crystal Head Vodka?

25 A. My answer to that was not within the scope of the

1 questions that I was asked to address.

2 Q. So the answer is no?

3 A. No.

4 Q. So the -- your opinion here today about the
5 flattening or the cause of the flattening of Crystal
6 Head Vodka sales is simply your belief, right; your
7 personal belief, right?

8 A. Yes, it is my opinion.

9 Q. Now, at the time you rendered the opinions, that
10 was 2013, right? Your date of your report is in August
11 of 2013?

12 A. Yes, that's correct.

13 Q. And at that point vodka was at an upward trend?

14 A. Yes. Slight upward trend.

15 Q. And I think you testified earlier today about
16 vodka is the biggest category of spirits, right?

17 A. Yes, it is. It is still today the largest
18 category of spirits. Approximately one third of the
19 volume.

20 Q. Thank you.

21 But you know that after you rendered your report
22 in 2013, vodka sales began a decline in the United
23 States, right?

24 A. There was a decline in vodka to some degree as a
25 result of the recession and to some degree as a

1 shake-out of the flavored vodkas which had proliferated
2 the category.

3 Q. There was a decline after 2013 in vodka sales?

4 A. Yes.

5 Q. And there was a dramatic decline in the United
6 States after you rendered your report in imported vodka
7 into the United States, correct?

8 A. Yes. But there -- you have to understand, too,
9 that there was a shift in the marketplace towards Tito's
10 Vodka and New Amsterdam Vodka.

11 Q. But there was a dramatic shift away from imported
12 vodka to these domestic brands, like Tito's, right?

13 A. Yes. It's primarily the decline of Absolut
14 Vodka.

15 Q. Where is Absolut from?

16 A. Sweden.

17 Q. There also was a tremendous decline in vodkas
18 imported from Canada, right?

19 A. That I was not aware of.

20 Q. Are you aware of the fact that from 2013, 2014,
21 Canadian imported vodka into the United States declined
22 by 24 percent?

23 A. I was not aware of that. I -- I'm not familiar
24 with major Canadian vodka brands.

25 Q. I'm not talking about Canadian vodka brands. I'm

1 talking about Canadian vodka in general.

2 A. Yeah, I just -- I'm not aware of large volume
3 Canadian brands.

4 Q. But you are aware that there was a decline in
5 imports of Canadian vodka into the United States between
6 2013, and 2014, right?

7 A. No, I was not.

8 Q. And one of the things that -- I believe that you
9 review on a regular basis is the liquor handbook, right?

10 A. Yes.

11 Q. And you do you review the liquor handbook on a
12 regular basis?

13 A. I look at it generally once a year when it, when
14 it is published. And then we use it as a reference
15 source as a good catalog -- imperfect, but the best
16 catalog of volume that exists for the industry in the
17 United States.

18 So we would use it within the context of our
19 consulting business.

20 Q. And you use it as a reference point in your
21 consulting business in your day-to-day work, right?

22 A. Yes.

23 Q. It's considered to be a reliable source of
24 information?

25 A. It is considered to be one of the most reliable

1 with the understanding that because of the complex
2 nature of the three-tier system, the actual sales
3 revenue for brands is not 100 percent accurate.

4 We can find accurate statistics in part of the
5 liquor channel that goes through grocery, which is
6 proximately 20 percent of the business. And we can also
7 get very accurate data from the control state, which is
8 approximately 20 percent of the business. The other
9 60 percent is less reliable. The liquor handbook tries
10 to bridge that gap and give us a number. But it is an
11 accepted member in the industry.

12 Q. I think there is someone on our behalf with you
13 in the room. I think it is Mr. Perez. Is he there?

14 MR. PEREZ: Yes.

15 MR. HUMMEL: Could you hand Mr. Marmol
16 what's been marked as Defendants Exhibit 2000-E for
17 identification.

18 BY MR. HUMMEL:

19 Q. Mr. Marmol, do you have that book in front of
20 you?

21 THE COURT: I think the witness now has the
22 exhibit.

23 THE WITNESS: Yes, your Honor.

24 BY MR. HUMMEL:

25 Q. This is the liquor handbook for 2006, right?

1 A. 2016.

2 Q. 2016.

3 MR. FAY: I object, Your Honor.

4 THE COURT: Objection?

5 MR. FAY: This exhibit was never designated.

6 THE COURT: All right. So --

7 MR. HUMMEL: Impeachment, Your Honor.

8 THE COURT: Well, if it's -- Counsel is not
9 offering it into evidence. Then don't publish the
10 contents.

11 MR. HUMMEL: No.

12 THE COURT: So ask the witness that
13 question. What is the date or whatever it is that
14 counsel wishes to now ask.

15 BY MR. HUMMEL:

16 Q. Mr. Marmol, can you take a look at page 210.

17 THE COURT: And, sir, you are not being
18 asked to read from that page.

19 Counsel will give you some instruction as to
20 what he wishes you to do with that page. But you have
21 the reference, page 210?

22 THE WITNESS: Yes. Yes, I do.

23 BY MR. HUMMEL:

24 Q. I would like you to take a look at the title of
25 this. Okay?

1 A. Yes.

2 Q. Not read it out loud. And I want you to look
3 under the category that says "Vodka."

4 A. Yes.

5 Q. And I want you to look at the -- at the figures
6 between 2013 and 2014. And I want to ask you if that
7 refreshes your recollection that Canadian imports of
8 vodka to the United States had declined in those two
9 years.

10 A. Again, I am aware.

11 THE COURT: Sir. Sir. Excuse me for a
12 moment. Just review the reference that counsel asked
13 you to review.

14 The question that he is asking: Having
15 reviewed that, do you now know about the decline of
16 Canadian vodkas?

17 So just read it. And wait for the next
18 question.

19 If it refreshes your recollection, you will
20 say yes. And Counsel will ask some additional
21 questions. If it does not refresh your recollection,
22 you should so indicate.

23 So have you reviewed the area that Counsel
24 asked?

25 THE WITNESS: Yes, Your Honor.

1 THE COURT: All right. Counsel's question.

2 BY MR. HUMMEL:

3 Q. Does that refresh your recollection that between
4 2013 and 2014, there was a decline in imported vodka to
5 the United States from Canada?

6 A. No.

7 Q. Now, you testified briefly about the
8 quick-follower strategy, as you called it.

9 Do you remember that?

10 A. Yes.

11 Q. And there is actually nothing wrong in your view
12 with the quick-follower strategy, right?

13 A. That is correct.

14 Q. And in fact, that is a strategy that you employed
15 at Bacardi, right?

16 A. Yes. Just about every company employs it.

17 Q. Everybody in the industry employs the
18 quick-follower strategy, right?

19 A. Yes.

20 Q. Now, one of the key factors that you attribute to
21 the success of Crystal Head Vodka is Dan Aykroyd's
22 celebrity, right?

23 A. Yes.

24 Q. It's very important to the success of Crystal
25 Head Vodka Mr. Aykroyd's efforts to promote the brand,

1 right?

2 A. Yes, that is correct.

3 Q. And, in fact, there are lots of celebrity
4 alcohols that are out there, right?

5 A. Yes. Not all are successful.

6 Q. Well, you mentioned Ciroc, which is P. Diddy's
7 vodka, right?

8 A. That is one that has been successful.

9 Q. It's been successful because of P. Diddy's
10 endorsement, at least in part, right?

11 A. Yes.

12 Q. And you are aware that KAH Tequila has no
13 celebrity endorsements, right?

14 A. I have not found any in the materials that I have
15 seen.

16 Q. Now, you also believe that part of the success of
17 a brand is if there is a story behind the brand; is that
18 right?

19 A. Yes, that is correct. It has to be a credible
20 story behind the brand.

21 Q. A credible story behind the brand?

22 A. Yes.

23 Q. Are you aware of the story behind the creation of
24 KAH Tequila?

25 A. What I read in the -- in the Website.

1 Q. And you understand that KAH Tequila is associated
2 with Mexican Day of the Dead, right?

3 A. Yes, that's correct.

4 Q. You understand that Crystal Head Vodka is closely
5 associated with the legend of the 13 crystal heads,
6 right?

7 A. Yes.

8 Q. And that's a strong part of the story of Crystal
9 Head Vodka, right?

10 A. Yes.

11 Q. Now, another are the things that you attribute
12 success in the marketplace for a start-up is the, what
13 you call the liquid, the liquid in the bottle, what's in
14 the bottle?

15 A. Yes. The quality the product.

16 Q. Have you tasted KAH Tequila?

17 A. No, I have not.

18 Q. You know that in the bottle of KAH Tequila is
19 tequila, right?

20 A. Yes.

21 Q. And you know that what's in the bottle of Crystal
22 Head vodka is vodka, right?

23 A. Yes.

24 Q. Now, you also testified that it is not unusual
25 for a producer of alcoholic beverages to offer both a

1 vodka and a tequila, right?

2 A. Yes, that's correct.

3 Q. And you offered some examples, one of which
4 was -- I wasn't fast enough to write them all down. One
5 of them was Diageo?

6 A. Yes.

7 Q. And if I remember this correctly, Diageo has
8 Smirnoff Vodka, right?

9 A. It has Smirnoff, Ketel One, Ciroc, among others.
10 They have a wide staple of also value vodkas.
11 And they Don Julio tequila.

12 Q. That's the one I was going to ask you. They also
13 have Don Julio Tequila, right?

14 A. Yes, that's correct.

15 Q. It's typically the case, isn't it, that when a
16 producer of alcoholic beverages has a vodka and tequila,
17 they will put those -- those different products in
18 different bottles, right?

19 A. Yes.

20 Q. Packaging, as we learned from earlier in your
21 testimony, is really, really important, right?

22 A. Yes, that's correct.

23 Q. And that is how a producer can differentiate its
24 products, right?

25 A. Among -- that is one of the elements of the

1 marketing mix for differentiation, yes.

2 Q. And Smirnoff's bottle is a tall, thin bottle,
3 right?

4 A. Yes.

5 Q. And the Don Julio bottle is a short, squat
6 bottle, right?

7 A. Correct. With a cork seal.

8 Q. With a big cork on the top?

9 A. Yes. Uh-huh.

10 Q. Now, the last opinion, I think you gave, was your
11 opinion that KAH Tequila can cause confusion in the
12 marketplace, right?

13 A. Yes. I stated that within the context, that
14 since it was a quick follower and a second skull entry,
15 that someone might think that it's part of the Crystal
16 Head collection, even though it is a tequila.

17 Q. It's the case that you are not aware of any
18 actual confusion between KAH and Crystal Head Vodka,
19 right?

20 A. No.

21 Q. "No" meaning you are not aware of any confusion?

22 A. No. I have not done any research in that area.
23 I'm just -- that was my opinion based on my personal
24 experience.

25 Q. And you've done no surveys to conduct -- to

1 determine whether there's any actual confusion, right?

2 A. No, I have not.

3 Q. You are not aware of anyone who has been confused
4 between the two bottles, correct?

5 A. I am not aware, no.

6 MR. HUMMEL: Thank you very much. Pass the
7 witness.

8 THE COURT: Redirect?

9 MR. FAY: Yes, Your Honor. Thank you.

10 **REDIRECT EXAMINATION**

11 BY MR. FAY:

12 Q. Mr. Marmol, just a few. You were confused
13 between the two bottles, weren't you, Mr. Marmol?

14 A. Well, yes. And within the context that I thought
15 that this was a product that was brought to market by
16 the Crystal Head company.

17 Q. And why did you think that? What about KAH
18 Tequila made you think it was a line extension of
19 Crystal Head vodka?

20 A. Well, it was -- in this particular instance, it
21 was 40 -- the same price. Had a similar glass skull.

22 Q. Okay.

23 A. Admittedly it was tequila. And KAH was painted.
24 I was -- I assumed the similarity was an attempt to
25 differentiate.

1 Q. So the with line extension, you might make some
2 changes?

3 THE COURT: I'm not sure that I understand
4 the question.

5 THE WITNESS: Possibly.

6 BY MR. FAY:

7 Q. With the line extension, you might take the
8 skull-shaped bottle and paint it, right?

9 A. Yes. That would be certainly something that
10 could be done.

11 Q. And if Crystal Head Vodka wanted to do that,
12 that's a decision that Crystal Head Vodka should have
13 been able to make on its own, right?

14 A. That would be a business decision.

15 Q. Okay. Somebody else shouldn't be making that
16 decision for Crystal Head Vodka, correct?

17 A. I -- I would -- if I was in the position of the
18 Crystal Head company, I would certainly have that view.

19 Q. In your opinion, Mr. Marmol, is Crystal Head
20 Vodka just a novelty?

21 A. No. I think that there's a staying power. And
22 its ability to sell year-in and year-out, it certainly
23 has transcended a novelty status.

24 Q. The sale of 10 million bottles of a spirit, is
25 that a novelty, in your estimation?

1 A. I think that is a significant volume achievement,
2 particularly at the price points.

3 Q. Okay. You spoke a little bit about quick
4 follower.

5 One of your examples was Maker's Mark. What was
6 the quick -- what happened there?

7 A. I don't think that I talked about Maker's Mark in
8 this context. I think I talked about Maker's Mark in
9 the context of the red wax being very distinctive
10 packaging.

11 Q. And was there an attempt to quick follow on the
12 red wax?

13 A. In terms of the red wax, there wasn't a quick
14 follow. What happened was -- again, I'm not an expert
15 on trade dress, but what occurred was that the Jose
16 Cuervo --

17 MR. HUMMEL: Objection.

18 THE COURT: Excuse me for a moment.
19 Objection to the question that has been asked.

20 MR. HUMMEL: And to this answer which is
21 nonresponsive.

22 THE COURT: Objection to the answer being
23 given --

24 MR. HUMMEL: Yes, Your Honor.

25 THE COURT: Is that -- the Court will strike

1 the answer.

2 Let counsel ask the question again and let
3 the witness answer.

4 BY MR. FAY:

5 Q. Let me ask you this a different way. If you are
6 going to be a quick follower, do you have to abide the
7 law?

8 A. Yes, of course.

9 MR. HUMMEL: Objection, Your Honor.

10 THE COURT: Sustained.

11 BY MR. FAY:

12 Q. You said, Mr. Marmol, that there's lots of
13 different packaging each year in the beverage alcohol
14 industry?

15 A. Yes, that's correct.

16 Q. And I think if we count variations in flavors, it
17 could even be thousands?

18 A. Yes, that's correct.

19 Q. When you wrote your -- when you first saw Crystal
20 Head Vodka, how many skull-shaped bottles were in the
21 marketplace?

22 A. None. It was original. And that's what made it
23 so unique and differentiated.

24 Q. You also spoke about the way alcohol is sold.
25 And the first sale is to distributor; is that right?

1 A. That is correct. That is correct. And that is
2 by law and that is by state.

3 Q. And the distributor actually buys the spirits,
4 right?

5 A. That is correct. Title changes from the
6 manufacturer to the distributor.

7 Q. And so in some ways a distributor is a consumer?

8 MR. HUMMEL: Objection, Your Honor, leading.

9 THE COURT: Sustained.

10 BY MR. FAY:

11 Q. Who does the distributor then sell the product
12 to?

13 A. The distributor then sells it to bars,
14 restaurants and liquor stores --

15 Q. And those bars --

16 A. -- or grocery stores, depending on the channel.

17 Q. And those bars, restaurants and liquor stores
18 actually buy the product?

19 A. That is correct. From the distributor.

20 Q. And then what is the next step? Who does the
21 bar, the restaurant --

22 A. The next step is for the consumer to buy the
23 product, either buy the drink at a bar or restaurant or
24 buy the bottle at a liquor store or a grocery store,
25 depending on the state.

1 Q. Okay. At each of these three steps, actual money
2 is being paid for the spirit; is that right?

3 A. That is correct, yes.

4 MR. FAY: That's it.

5 THE COURT: Can the witness be excused?

6 MR. FAY: Yes.

7 THE COURT: No objection by the defense?

8 MR. HUMMEL: No.

9 THE COURT: No questions by the jurors? I
10 don't think so.

11 Sir, you are excused at this time. Thank
12 you.

13 THE WITNESS: Thank you very much, Your
14 Honor.

15 THE COURT: Is there another witness that
16 the plaintiff would like to call at this time?

17 MR. FAY: Yes, Your Honor. We would like to
18 call Dr. Bruce Isaacson.

19 THE COURT: I believe his testimony will
20 take about an hour and a half for the plaintiff and
21 about 30 minutes or so for the defendant, correct?

22 MR. FAY: Correct.

23 THE COURT: So I will just take the recess
24 early, so that we don't have to interrupt his testimony.

25 We will take our 15-minute break at this

1 point. The jurors are excused for 15 minutes.

2 THE CLERK: Please rise. This Court is in
3 recess.

4 (RECESS.)

5 THE COURT: You may be seated. So we are
6 taking our break at this point.

7 And the witness is actually here not
8 testifying by video; is that correct?

9 MR. VERA: That's correct, Your Honor.

10 THE COURT: So we'll be in recess for 15
11 minutes.

12 (RECESS TAKEN.)

13 THE COURT: The next witness to be called.

14 MR. FAY: Yes, Your Honor. Plaintiff
15 Globefill would like to call Dr. Bruce Isaacson.

16 THE COURT: The witness will come forward.
17 The clerk will administer the oath.

18 And counsel has identified the exhibits to
19 be used. And defendants are aware of what those
20 exhibits are, correct?

21 MR. FAY: Correct, Your Honor.

22 MR. RAFFERTY: Yes, Your Honor.

23 THE CLERK: Go to the witness stand, please.
24 Please raise your right hand.

25 BRUCE ISAACSON,

1 Called as a witness herein, having been first duly
2 sworn on oath, was examined and testified as follows:

3 THE WITNESS: I do.

4 THE CLERK: Please have a seat.

5 State and spell your name for the record.

6 THE WITNESS: My name is Bruce Isaacson.

7 | B-R-U-C-E. Last name I-S-A-A-C-S-O-N.

8 THE COURT: Counsel may proceed.

9 MR. FAY: Thank you, your Honor.

10 DIRECT EXAMINATION

11 BY MR. FAY:

12 Q. Good afternoon, Dr. Isaacson. Could you
13 introduce yourself to the jury, please.

14 | A. My name is Dr. Bruce Isaacson.

15 Q. Are you currently employed, Dr. Isaacson?

| | |
|----|----------|
| 16 | A. I am. |
|----|----------|

17 Q. And where are you employed?

18 A. I am president of a marketing research and
19 consulting firm called MMR Strategy Group.

20 Q. And how long have you worked at MMR Strategy
21 Group?

22 A. As of this coming June, it will be 12 years.

23 Q. And what kind of work does MMR Strategy Group do?

24 | A. Well, we do marketing research and consulting.

25 | And what that means is, that we gather

1 information about what consumers and customers are doing
2 and thinking. Typically we gather that information by
3 surveys, but we also conduct other kinds of research,
4 such as focus groups. And we use that information to
5 analyze what customers are doing or to develop
6 strategies for companies. Practically, we work in three
7 years. We call them practice areas.

8 One area in which we work is commercial marketing
9 research. So we work with companies to help them
10 improve products or services to help them figure out why
11 customers are buying or not buying a particular product.
12 Or figure out what their advertising should say, for
13 example.

14 A second practice area in which we work is
15 what we call claims. And this has to do with the
16 statements that companies make in places like
17 advertising or on product packages.

18 And we help companies to understand how
19 consumers evaluate and process and understand those
20 claims and the messages that they take away from the
21 statements that companies make.

22 And then the third thing that we do is we
23 conducts surveys for litigation like this one. Those
24 surveys are sometimes done for private parties, like the
25 parties in this matter. But there are also sometimes

1 done -- for example, I have been retained a number of
2 times by the Federal Trade Commission. I've been
3 retained a few times by the Department of Justice. So
4 sometimes it's private parties; sometimes it's
5 government entities that we are conducting those surveys
6 for.

7 Q. And do those -- is the intent of those surveys
8 able to measure consumer confusion?

9 A. Yes. There are specific formats that we use to
10 measure the likelihood that consumers would confuse two
11 products or two trademarks.

12 Q. Why don't you give us a little background on your
13 education, Dr. Isaacson.

14 A. Sure. So I am originally trained as an engineer.
15 I have a bachelor of science degree in engineering from
16 Northwestern University. I also have an M.B.A., a
17 master of business administration degree. That's from
18 Harvard Business School. And I also have a DBA, and
19 that stands for doctor of business administration. That
20 degree is also from Harvard Business School.

21 And my DBA is in marketing. And the DBA degree
22 includes course work in marketing, in research, and in
23 strategy. So I took classes like consumer behavior and
24 statistics and research design and organizational
25 behavior. And I taught and I wrote teaching materials.

1 And I ultimately wrote -- conducted independent
2 research in the form of a thesis or dissertation.

3 Q. Did you receive any awards during your graduate
4 education?

5 A. I did. When I came into the DBA program, I was
6 designated as a dean's doctoral fellow, which was a
7 specific fellowship or scholarship that I was awarded by
8 my way in.

9 And during the course of my studies, I received
10 two awards; one from the Institute for the Study of
11 Business Markets at Penn State University. And the
12 other award was from Harvard University. And both of
13 those were for research that I had conducted.

14 Q. And how about speeches, do you give speeches in
15 marketing?

16 A. I do. I -- I regularly write and speak on topics
17 related to surveys and research and strategy and
18 marketing.

19 So for example, I conduct continuing legal
20 education seminars for attorneys. I have spoken at
21 marketing research conferences. I have written articles
22 in publications that address the same topics of surveys,
23 marketing and strategy.

24 Q. Okay. And you mentioned consumer surveys. What
25 is your best estimate of how many consumer surveys MMR

1 Strategy Group has conducted over the years?

2 A. Well, the firm itself has been around since 1974.
3 But in the 11 and a half or so years that I have been
4 there, we have conducted, well, more than a thousand
5 surveys. And I have been involved in the vast majority
6 of those surveys.

7 Q. And finally, are you on any editorial boards
8 related to marketing and consumer surveys?

9 A. I am. I sit on two editorial boards. One is a
10 magazine called the Journal of Business to Business
11 Marketing. This is a peer review journal that publishes
12 research on marketing of products that are sold to
13 businesses.

14 And then I also sit on the editorial board with
15 The Trademark Reporter. This is another peer-reviewed
16 journal. And The Trademark Reporter publishes research
17 on trademarks, including surveys that analyze
18 trademarks.

19 Q. Now, Dr. Isaacson, were you retained by the
20 plaintiff in this action, Globefill, to render expert
21 opinions in this action?

22 A. I was.

23 Q. Okay. And did you receive a call from someone
24 asking you to do that?

25 A. Yes.

1 Q. Okay. And do you recall when that was?

2 A. I believe that was back in 2012 when I was first
3 retained.

4 Q. Okay. And --

5 A. Latter part of 2012.

6 Q. And what issue were you asked to render an
7 opinion on?

8 A. I was asked to conduct research and render an
9 opinion as to the likelihood that consumers would
10 confuse KAH Tequila and Crystal Head Vodka.

11 Q. And did you reach an opinion on that issue?

12 A. I did.

13 Q. And what is that opinion?

14 A. My opinion is that there is a substantial
15 likelihood of confusion between those two products.

16 Q. Okay. And what is the basis for that opinion?

17 A. The basis for that opinion is research that I
18 have conducted, as well as other research that I have
19 seen and analyzed in this matter.

20 Q. Okay. And the research you are referring to,
21 does that include consumer surveys?

22 A. It does.

23 Q. So did you conduct consumer surveys in order to
24 reach your opinion in this action?

25 A. Yes, sir.

1 Q. What kind of consumer surveys did you conduct?

2 A. I conducted a particular kind of consumer survey
3 called "A Likelihood of Confusion Survey" to reach my
4 opinion about confusion in this matter.

5 Q. All right. How many surveys did you conduct?

6 A. I conducted two types of surveys. So I classify
7 it as two surveys on confusion.

8 Q. Do those surveys -- is there a name for those
9 kinds of surveys?

10 A. There is. One of the surveys uses a format which
11 goes by the name of "Squirt." And the other survey uses
12 a format which goes by the name of "Eveready."

13 Q. Okay. Those are funny names. Can you explain to
14 us why one is called Squirt and the other is called
15 Eveready?

16 A. They acquired those somewhat humorous names after
17 the original cases when they were first used. So those
18 particular kinds of formats are now referred to by the
19 names from the legal cases in which those were first
20 used.

21 These are both standard formats that are used to
22 measure likelihood of confusion in litigation matters.

23 Q. Okay. Now I want you to explain these two
24 different tests to the jury.

25 And I think we have a slide.

1 Could you explain to us, Dr. Isaacson, how
2 the Squirt survey works and differs from the Eveready
3 survey?

4 A. Sure. I am going to start with the Eveready
5 survey. That is the easier of the two to explain.

6 The Eveready survey is relatively
7 straightforward in that one shows a particular product
8 to people and asks questions to see whether they confuse
9 it with another product.

10 So if -- let's imagine I had come out with a
11 cola and my cola came in a red container with white
12 cursive lettering on it. And I wanted to test whether
13 that cola was confused with Coca-Cola. I would show
14 that can to respondents. We call people in interviews
15 respondents. I would show that can to interviewees or
16 respondents.

17 And I would see when I ask them "Who makes
18 it" if they come back with answers that relate to
19 Coca-Cola.

20 And that is the basic format for the
21 Eveready survey. You show one product and see whether
22 or not people confuse that product with another product.

23 And the Squirt survey is a little bit
24 different. What the Squirt survey does is it replicates
25 the process, for example, in a supermarket or a

1 convenience store where products would appear on the
2 shelf near each other or where consumers might encounter
3 products in the marketplace.

4 So what you do in a Squirt format is you
5 show one product, and then you show what we call an
6 array. And that's a series of products -- the same way,
7 for example, if I went into -- let's say in this matter
8 if I went into a liquor store, I might see tequila or
9 vodkas lined up on the shelf. That's what we present in
10 the Squirt format. We ask a similar set of questions in
11 order to understand whether consumers are likely to
12 confuse the products.

13 The formats are executed differently, and
14 they have different requirements to make them
15 appropriate, depending on the matter.

16 Q. And what are those requirements?

17 A. Well, if you think about -- you can see on the
18 screen, it says that the requirement for an Eveready
19 survey is that the plaintiffs' product has to be
20 well-known.

21 And if we go back to my example, what we are
22 asking the respondent to do, or seeing whether the
23 respondent does in that example, is we are seeing
24 whether the respondent makes a connection in their own
25 mind between the product that we show them and the

1 product that we're looking to test.

2 And the requirement, in order for that to be
3 an appropriate test, is that product has to be
4 well-known.

5 In the example I used a minute ago was
6 Coca-Cola. That's is a well-known product.

7 So when I show you another product, most
8 people have an image in their mind of what Coca-Cola is.
9 They have an image perhaps that it comes in a red can
10 and that red can has white cursive letters on it.

11 So they have certain images already formed
12 in their mind. And I show them another product to see
13 whether they connect it.

14 The requirement for an Eveready that it's an
15 absolute imperative is that the product is well-known.
16 If not, then it's not an appropriate test.

17 There's a different requirement for a Squirt
18 survey.

19 And you remember I mentioned that a Squirt
20 survey replicates a process where consumers encounter
21 products in the marketplace. And we look for, with a
22 Squirt survey, that the products are related to each
23 other or approximate in the marketplace. And that could
24 be where the products appear on the same shelf next to
25 each other. It could be, as in this matter, where the

1 products might appear in the same liquor store. It
2 could be where I might encounter one product in a bar,
3 and another product shortly thereafter in a liquor
4 store. It could also be -- it extends beyond physical
5 proximity and gets into issues relating to the
6 consumers' mind.

7 So if products are similar in use and
8 function, if they are used for the same use or used for
9 the same function, they are said to be proximate. And
10 sometimes if they are complimentary, like for example,
11 wine and cheese or ham and cheese, we might think about
12 those products as being proximate as well.

13 So what we are looking for is we are looking
14 for an experience for proximity, where the consumer
15 experiences both product either at the same time or in
16 rapid succession, one after the other in some fashion.
17 That can be physical or that can be nonphysical.

18 Q. And you have been referring to confusion. What
19 kind of confusion were you testing for in your test?

20 A. My surveys tested for two kinds of confusion.
21 One kind of confusion is confusion as to source.

22 And what that means is that I see one
23 product and I see another product, and I think that the
24 products come from the same source. In other words,
25 they are made by the same company.

1 The other kind of confusion is confusion as
2 to sponsorship or approval. And I see two products and
3 I believe that one product was sponsored or approved by
4 another.

5 And a good example of confusion as to
6 sponsorship or approval or relationships of sponsorship
7 or approval would be if I was to buy, let's say, an NFL
8 T-shirt that has my favorite football team on it. I
9 might not believe that the NFL actually manufactured
10 that T-shirt, but I might believe that they approved or
11 gave permission or sponsored that T-shirt to be made,
12 and that's why I purchased it.

13 These are -- this is not the kind of
14 confusion where I come into a store and I come in I'm
15 expecting to buy Crystal Head and I walk out with KAH.

16 This is where I'm coming into a store and I
17 see KAH and I see Crystal Head, and I believe that maybe
18 they are made by the same company. Or I believe that
19 maybe one of those companies sponsored or approved for
20 the other company to make that particular product.
21 That's the kind of relationship that we are talking
22 about here.

23 Q. Okay. Thank you.

24 Let's move on to your test. Why don't you tell
25 us how you conducted first your Squirt test.

1 MR. FAY: Can you go to the text slide.

2 THE WITNESS: The Squirt test was -- this
3 survey was conducted in malls. So these are
4 professional interviewing facilities that are located in
5 malls.

6 As you can see on the screen, I conducted
7 this research in malls located all across the country.
8 These are located in states that were chosen as states
9 that are likely to be places where people drink tequila.
10 If you look at the distribution, the consumption of
11 tequila across the country, it's heavily focused in
12 certain states.

13 And those were the states where I conducted
14 this research. So it was conducted all across the
15 country.

16 As you can see in the lower right of the
17 screen, I conducted a total of 455 interviews looking at
18 confusion between KAH and Crystal Head.

19 BY MR. FAY:

20 Q. You mentioned malls. How is that done in a mall?

21 A. The way that is done, we post someone in the main
22 concourse of the mall. And as people are walking down
23 the concourse of the mall, at random we -- what we call
24 intercept them. What that means is we politely
25 interrupt them and ask them some questions. And if they

1 answer the questions in a particular way, they have
2 qualified for the survey.

3 And if they qualified and agreed to take the
4 survey, then we take them to an interviewing room that's
5 located within the confines of that mall. And in
6 exchange for the interview, we give them a small
7 incentive that might be on the order of \$3 or \$5, to
8 compensate them for their time spent taking that
9 interview with us that afternoon.

10 They are located at random in the concourse
11 of the mall. We ask them some questions. And then we
12 take them into a room designated for that interviewing.

13 Q. Did you do all this yourself? Or did you have a
14 staff that assisted you in this?

15 A. I had a staff that assisted me. But it was done
16 to very specific instructions. And the interviewers who
17 were conducting this research were all trained. The
18 interview itself is done on computer. And that computer
19 program was written -- the survey itself was written by
20 me, and then programmed so that we know exactly what's
21 asked in the course of these interviews and the order in
22 which -- and the phrasing in which questions are asked
23 during the interviews.

24 Q. Now, you said that you intercept these folks in
25 the mall and you ask them some questions. What were

1 those questions that you ask them?

2 A. Well, it starts with questions to qualify them.
3 So I want you to imagine for this set of questions that
4 you see on the screen, we are standing in the concourse
5 of the mall and we're asking people these questions.
6 Not like you see them here. But there is a series of
7 questions in the language of a questionnaire. And we
8 are asking questions that confirm, first, that they are
9 at least 21 years old. Secondly, that they've purchased
10 alcoholic beverages. Third, that they're likely to
11 purchase tequila in the next six months. Fourth, that
12 in the next six months they will consider purchasing a
13 750-milliliter bottle. That is a standard-size bottle
14 of tequila that has a retail price -- we actually tested
15 two retail prices. One price was \$30 for that bottle
16 and the other was \$35 for the bottle. And then there's
17 other criteria for data quality. For example, we make
18 sure that they are not working in an occupation where
19 they would be likely to have an unusual amount of
20 knowledge about this industry.

21 Q. And why are these qualifications important?

22 A. Well, one of the fundamental elements of a survey
23 like this is to make sure that we are talking to people
24 who represent the category. We want to talk to
25 people -- in this case, I was looking to talk to

1 consumers of tequila, people who are purchasing tequila.
2 And you want the people you are talking to in the survey
3 to look like the marketplace. So that when you are
4 done, you have a database that represents the
5 marketplace.

6 Q. So you intercept someone. You ask them these
7 questions. They qualify. They agree to participate.

8 What happens next?

9 A. Well, if they agree to participate, then we take
10 them into the interviewing room and we conduct the
11 interview, which, as I mentioned before, is conducted
12 according to a very specific inscriptive process.

13 Q. Why don't you describe that specific inscriptive
14 process to us?

15 A. Remember, this is the Squirt format. This format
16 replicates the scenario where somebody sees Crystal Head
17 in a store perhaps and then encounters KAH amidst other
18 tequilas or where they're previously familiar with
19 Crystal Head, and then they encounter KAH amidst other
20 tequilas.

21 So the first thing we have to do is we have to
22 replicate that process where they see Crystal Head. So
23 what we showed them in the interview to start with was
24 an actual bottle of Crystal Head and the box of Crystal
25 Head. The box was an empty box.

1 And prior to conducting this research, I had
2 looked how stores typically display Crystal Head at
3 retail.

4 And if you think about it, there's three
5 ways to display it. You could display the bottle. You
6 could display the box with the bottle inside the box.
7 Or you could display the bottle and the box side by
8 side.

9 And based on the research that I did, the
10 most common way of showing Crystal Head at retail was
11 the box and the bottle next to the box.

12 So the first thing that we did when we went
13 into the interviewing room was we showed them an actual
14 box and an actual bottle, just like you see on the
15 screen, except actual products.

16 Q. You didn't show them pictures, you showed them
17 the actual product?

18 A. Correct. Everything that we are going to see in
19 these slides is pictures. But what was shown in the
20 interviews was all actual products.

21 Q. Okay. So now you've shown your qualified
22 participants the Crystal Head box and the Crystal Head
23 skull. What next?

24 A. The next thing that we have to do -- remember, we
25 are replicating a scenario where someone is previously

1 familiar with Crystal Head or sees Crystal Head and then
2 sees KAH with other tequilas.

3 So the next thing we do is we should them
4 what we call an array. And as you can see here --
5 again, in the interview, these were actual products.
6 But this is an array consisting of four tequilas. And
7 on the far left we have Patron Silver. And then we have
8 KAH in Blanco. Then we have 1800. And then we have Don
9 Julio.

10 There were actually four different versions
11 of these arrays that we showed. And you can see here a
12 version where we've replaced the bottle of KAH with a
13 different bottle.

14 You'll notice if you look on the neck label
15 it says KAH, but this is a control. This is one of the
16 three controls that we tested.

17 We also had another line up that tested a
18 slightly different version of this control.

19 And then finally in a fourth line-up, we
20 tested yet another control.

21 So there were in total four line-ups. And
22 each -- the line-ups only differed in the product that
23 they were shown. In one of the line-ups, they were
24 shown KAH. And in the other three line-ups they were
25 shown one of three different controls.

1 Q. Why don't you ex -- excuse me, Dr. Isaacson.

2 Please explain to the jury what you mean by
3 a control.

4 A. So what's at issue in this case is not that KAH
5 is making tequila, it's that KAH is making tequila in a
6 skull-shaped bottle.

7 And when you think about the answers that
8 you can get in a survey, people could give you answers
9 for all kinds of reasons. They could give you answers
10 because they're not paying attention. They could give
11 you answers because they believe that all spirits that
12 are light colored are made by the same company.

13 They are lots of reasons why people -- they
14 could give you answers because they're having a good day
15 or a bad day that day.

16 What we want to do in research like this is
17 not just measure whether or not there's confusion but
18 isolate the amount of confusion specific to KAH's use of
19 a skull-shaped bottle. This is very important. We are
20 isolating the amount of confusion that is specific to
21 KAH's use of a skull-shaped bottle.

22 And the way that we do that is with a
23 product that we call a control. And if you think about
24 this in medical, as an example, in medical research, if
25 I was developing, let's say a cold medicine, I might

1 have one group of people who would take that medicine
2 and another group of people who would take an identical
3 looking medicine that didn't have the active ingredient.
4 In medical research that's called the placebo.

5 And you compare the difference between with
6 and without the active ingredient. And that tells
7 you -- that tells you the effect of the ingredient.

8 Here the active ingredient that we're
9 looking to test, what I referred to as the element of
10 interest, is KAH's use of a skull-shaped bottle.

11 So I have three different bottles that are
12 not skull-shaped but otherwise have a lot of the same
13 elements. So if you look at control one, and if you
14 look at control two, you will notice that those are both
15 rounded bottles on the bottom. They both have a neck
16 and then a stopper on the top, just like KAH Blanco.
17 You'll notice that they are in a white and black design,
18 just like KAH Blanco. And you'll notice that that
19 design has elements of the design from KAH Blanco.

20 If you look on the lower right, the control
21 4, the Cuervo skull bottle, you will notice that that
22 element -- that's a bottle that actually has skull-like
23 elements in its design.

24 And so what we have here is we have three
25 different controls which are in some way similar to KAH

1 but are not skull-shaped. And by comparing the results
2 from the test, from the KAH with the results from the
3 other controls, then I can identify specifically the
4 amount of confusion due to KAH's use of a skull-shaped
5 bottle.

6 Q. Okay. Were all your qualified participants shown
7 all four of these arrays?

8 A. No. No. You only -- you saw one array in the
9 research.

10 And generally you saw -- it -- it -- we ran
11 Control 4 later than we ran the other three.

12 But the test array, the Control 1, the
13 Control 2, you would have been randomly assigned by the
14 computer program to see one of those arrays.

15 So one participant who was interviewed could
16 only see one of these four. But we conducted enough
17 interviews to get data on all four.

18 Q. And why was Control 4 run at a later date?

19 A. Well, an expert retained by KAH wrote a report
20 discussing my survey, and he had criticized my controls.

21 And in his report he provided on two
22 separate pages pictures of that specific bottle. And
23 said that that would be a much better control than the
24 controls that I used.

25 So I took up his suggestion and tested the

1 bottle that KAH's expert had recommended as one of the
2 best controls that could be used.

3 Q. Okay. Why did you -- when we look at these
4 arrays of bottles, why did you pick the three tequilas:
5 Patron, 1800 and Don Julio?

6 A. I went into stores and -- specifically went into
7 15 stores where I -- this was either me or people who
8 did this based on specific instructions. But I actually
9 wrote down what was in the stores and what was near KAH
10 in the stores.

11 And these are premium or super premium
12 tequilas. When we are talking about KAH or a tequila
13 that's at the price point that calls it premium or super
14 premium. All of these are premium or super premium
15 tequilas.

16 So if you look at Patron Silver at the time
17 that I did the research, this was -- Patron was the
18 No. 2 selling brand of tequila in the United States.

19 And in the 15 stores that I looked at, this
20 was near KAH in 14 or 15 of the stores.

21 If you look at 1800, that is -- at the time,
22 that was the No. 5 selling brand of tequila in the
23 United States. It was a premium or super premium. It
24 is owned by the company that makes Jose Cuervo, which
25 makes the No. 1 selling brand in the United States.

1 And then finally on the right we have Don
2 Julio. Don Julio is owned by a company called Diageo.
3 Diageo is the biggest spirits company in the world. So
4 bigger than any other company in the world that makes
5 spirits. And they make other tequilas.

6 They also make five different vodkas,
7 including the No. 1 selling vodka in the United States.

8 So all of these bottles -- these other three
9 bottles were in 14 or 15 of the 15 stores that I
10 checked, near KAH.

11 They are commonly sold -- they're some of
12 the most commonly sold premium or super premium
13 tequilas. So I was replicating what it might look like
14 in a store if you went to the tequila aisle looking for
15 KAH.

16 Q. Now, you first showed them the Crystal Head Vodka
17 bottle. And then your qualified participant saw one of
18 these arrays. What next?

19 A. After they saw one of these arrays, then we asked
20 them questions that were intended to measure confusion.
21 And there were two groups of questions, what we call
22 batteries of questions. And these are the questions
23 that measured confusion as to source.

24 And so the question started with: Please
25 tell me whether you think that,

1 One or more of the products you see now is
2 made by the company or person that makes the product I
3 showed you before;

4 None of the products you see now is made by
5 the company or person that makes the product I showed
6 you before;

7 Or you don't know or have no opinion.

8 So if you said that one or more of these
9 products is made by the company or person that makes the
10 product I showed you before, then we asked you Question
11 5:

12 Which product or products that you see now
13 is made by the company or person that makes the product
14 I showed you before?

15 So we give them a chance to indicate whether
16 or not one of these products is made by the company or
17 person that made the Crystal Head.

18 We obviously don't refer to it by the name
19 Crystal Head.

20 And then we asked them which one.

21 And then we give them a chance to explain
22 their answer.

23 So for each product that they selected in
24 Question 5, we asked them:

25 What makes you say that this product is made

1 by the company or person that makes the product I showed
2 you before?

3 So we get identification of the products
4 that they think is made by the company or person, and we
5 get an explanation of why they think that.

6 This is one set of questions that we ask to
7 measure confusion.

8 Q. Okay. Let's go to the next slide.

9 Is this the other set?

10 A. Yes, it is.

11 Q. Can you explain this set to the jury?

12 A. It's parallel construction to what we asked
13 before.

14 So now the question asks: Looking at these
15 products, do you think that one or more of the products
16 you see now is sponsored or approved by the company or
17 person that makes the product I showed you before?

18 If they answer yes to one or more, then we
19 ask: Which product or products that you see now is
20 sponsored or approved by the company or person that
21 makes the product I showed you before?

22 And then as before we give them a chance to
23 explain their answer.

24 In Question 9 we ask them: What makes you
25 say that this product is sponsored or approved by the

1 company or person that makes the product I showed you
2 before?

3 So once again we give them an opportunity to
4 identify a product if they want. We ask them which
5 product. And then ask them why.

6 Q. And what was the result of asking those
7 questions?

8 A. Well, this slide shows the results, the measures
9 that we got from these questions.

10 And this is -- the percentage of people who
11 in response to either one of those sets of questions
12 selected this particular product.

13 So when we asked them: Is one of more of
14 these products made by the same company or person?

15 Or when we asked: Is one or more of these
16 products sponsored or approved by that company or
17 person?

18 This is the percentage of people who
19 selected each of the products in the arrays.

20 So as you can see, KAH was selected more
21 often than any other product. It was selected by
22 58.7 percent of respondents.

23 You can see that the three controls were
24 selected by 24.8, 17.8 and 14.8 percent of respondents.
25 And you can see that the other three products in the

1 array were selected by lower percentages of respondents
2 that range from 7 percent to 13 percent.

3 Q. When you referenced that company, what I showed
4 you before, you're referring to the Crystal Head Vodka?

5 A. Correct. But again, we never used the term
6 "Crystal Head," and we never used the term "vodka" in
7 the survey.

8 Q. Now, is this the end result of your test? Or are
9 there further calculations that need to be done?

10 A. There's a little bit of math to do to get to what
11 we refer to as the net numbers from the research.

12 Q. Okay. Why don't you explain that to the jury.

13 A. Sure. Remember I said before that we want to
14 identify the amount of confusion that's specifically due
15 to KAH's use of a skull-shaped bottle.

16 And the way that we do that is we compare
17 the measures from KAH with the measures from the three
18 controls.

19 Can we go back one slide? And then I'll
20 explain this one.

21 Q. Sure.

22 A. So I've got a measure for KAH. And then I've got
23 a measure for Control 1. I've got a measure for Control
24 2 and I've got a measure for Control 3.

25 And what I'm going to do in the next slide

1 is compare those measures and generate what I call a net
2 measure for confusion.

3 And that is the amount of confusion
4 specifically due to KAH's use of a skull-shaped bottle.

5 Now, if we go to the next slide, you can see
6 that math on the bottom of the slide. If we look at the
7 measure, you can see -- for each of these three bottles,
8 the measure for KAH is 58.7 percent, that's straight off
9 the prior slide. And then we just subtract either
10 Control 1, Control 2 or Control 3. Then we get a net
11 measure. So we get a net measure 33.9 for the first
12 control. We get a net measure of 40 .9 for the second
13 control. And for the Cuervo skull bottle, the one
14 recommended by KAH's expert, we get 43.9.

15 So what's striking here is that no matter
16 which control you use the measures are all within a
17 relatively narrow band. They range from 33.9 percent to
18 43.9 percent.

19 Q. In your expert opinion, Dr. Isaacson, do those
20 numbers, 33.9 percent to 43.9 percent, do those
21 demonstrate consumer -- or likelihood of consumer
22 confusion?

23 A. Yes. Those are in the range that would normally
24 be taken as indicating substantial likelihood of
25 confusion.

1 Q. Now, in your Squirt test, you used two
2 skull-shaped bottles?

3 A. Correct.

4 Q. Was it unfair to use two skull-shaped bottles in
5 your test?

6 A. No.

7 Q. And why is that?

8 A. Well, I'm replicating the marketplace. And in
9 the marketplace there is a skull-shaped Crystal Head and
10 there's a skull-shaped KAH.

11 Had there been more skull-shaped bottles in
12 the marketplace, my design would have been different.

13 But at the time that I did the research, I
14 only knew of two skull-shaped bottles. And so my
15 research design replicated what the marketplace looked
16 like at the time.

17 Q. Okay. Let's move on, Dr. Isaacson, and let's
18 talk about -- go to the next one.

19 Oh, I always forget this one.

20 When you interviewed your qualified
21 participants, and they indicated confusion, did you ask
22 them why?

23 A. Yes.

24 Q. Okay. And what do we see here on this slide?

25 A. What we see here are some of the reasons given by

1 people who thought that KAH was made or sponsored by the
2 same company as Crystal Head Vodka.

3 This is that last question in the three
4 question series. When we asked people why, you can see
5 respondent, whose ID number was 2, said, "The skeleton
6 design, they both have the same design and features."

7 You can see ID No. 20. "Because both
8 designs are skulls."

9 ID No. 232. "They both use a skull shape."

10 ID No. 151. "The shape of the bottle, it's
11 unique. It's pretty much a skull."

12 So these are not all of the responses like
13 these. But these are some of the responses that people
14 gave for selecting KAH from the array.

15 Q. Now, let's move on, Dr. Isaacson, to the other
16 test you discussed, the Eveready test. How did you
17 conduct that?

18 A. I conducted the Eveready test like the Squirt
19 test in interview locations that were located, once
20 again, throughout the country. This time, again,
21 focused on the locations where -- that are most
22 important to tequila.

23 So you can see the locations on the -- on
24 this slide where that research was conducted. And you
25 can see that there were a total of 134 Eveready

1 interviews that were conducted.

2 Q. Okay. And why don't you explain to the jury how
3 you conducted your Eveready survey.

4 A. Well, the general -- the general idea was similar
5 to what we talked about where we are stopping people in
6 the concourse of a mall, seeing if they qualify. And if
7 they qualify, we are taking them -- if they're willing,
8 we are taking them to an interview room located within
9 that mall where they are interviewed by a trained
10 interviewer.

11 The way -- this is a different format than
12 the Squirt survey. And this format started by showing
13 people -- by showing people a bottle and seeing if that
14 bottle is confused with another bottle.

15 Q. And do you have -- what bottles were you showing
16 them?

17 A. I was showing them the KAH Blanco bottles in that
18 research.

19 MR. FAY: Your Honor, can we have that
20 Blanco bottle handed to the witness?

21 THE COURT: Yes. The exhibit number? You
22 can identify that.

23 MR. FAY: 772. It is right there at the
24 end.

25 THE COURT: The clerk will place 772 before

1 the witness.

2 THE WITNESS: Thank you.

3 BY MR. FAY:

4 Q. So once again, Dr. Isaacson, you showed that
5 bottle to your qualified participant?

6 A. Correct. After qualifying, they were brought
7 into a room. And the first thing that they were shown
8 in the room is -- this bottle was placed on the table in
9 front of them facing them. And they were given an
10 opportunity to look at the bottle.

11 The same way that in the other research we
12 had started with the Crystal Head bottle and box, this
13 time now we are starting with just a KAH Blanco.
14 Actually, that's for half of the respondents. The other
15 half of the respondents in the Eveready survey saw one
16 of the controls.

17 Q. Okay.

18 A. But for the people who were in the test version,
19 they would have seen a bottle like this, the KAH Blanco
20 bottle, placed on the table in front of them, and they
21 would have been given an opportunity to examine that
22 bottle.

23 Q. What questions did you ask your participants in
24 the Eveready test in order to qualify them?

25 A. We asked them -- we asked them similar questions

1 to the questions that we asked for the -- for the
2 Eveready -- for the Squirt survey. We confirmed that
3 they were 21 years old or older. We confirmed that they
4 purchased alcoholic beverages. We confirmed in this
5 case that they are likely to purchase a bottle of vodka
6 in upcoming months. And then we also confirmed that
7 they're likely to purchase it at a particular price
8 point. And then finally we confirmed other things for
9 data quality.

10 So it's an analogous set of questions the
11 way that we qualify people for the Squirt survey.

12 Q. So you show them the KAH Tequila bottle. What
13 questions did you then ask your qualified participants
14 in this Eveready survey?

15 A. I do believe that we have a slide with those
16 questions.

17 This is -- these are similar to what I
18 talked about earlier with regard to the Squirt survey,
19 they're just formatted a little differently to
20 accommodate the different research design.

21 Question 2 asks: Who do you think makes or
22 puts out this product?

23 So again, you've got the -- the interviewee
24 has the KAH Blanco bottle in front of them, and we are
25 asking: Who do you think makes or puts out this

1 product?

2 Then we ask them a why question. What makes
3 you think that? Anything else? So we are giving them
4 an opportunity to explain their answer.

5 And then we ask them Question 4: Are you
6 aware of any other products or brands put out by the
7 company or person who makes or puts out this product?

8 If they say yes, we ask them: What other
9 products or brand do you think are put out by the
10 company or person who makes that product?

11 And then once again, as before, we give them
12 an opportunity to explain their answer with Question 6:
13 What makes you think that?

14 Q. These were -- there's another set of questions,
15 too, right?

16 A. No. These are all of the questions -- oh, I'm
17 sorry.

18 Like I was saying, there's questions with
19 regard to sponsorship or approval as well. My
20 apologies.

21 So there's a follow -- there is in fact a
22 follow-on set of questions. And those questions are:
23 If you have an opinion, do you think that whoever makes
24 or puts out this product is sponsored or approved by
25 another company or person; is not sponsored or approved

1 by another company or person; or you don't know?

2 If they say: Is sponsored or approved.

3 Then we ask them: What other company or person you
4 believe sponsored or approved whoever makes the product
5 I showed you?

6 And then finally we ask them a why question:
7 What makes you think that?

8 So similarly to what I described in the
9 Squirt survey, we have a set of questions to measure
10 confusion as to source, and a set of questions to
11 measure confusion as to sponsorship or approval.

12 Q. And you asked those questions.

13 What were the results of your Eveready
14 survey?

15 A. Well, if you look at the people who were shown
16 the KAH Blanco bottle, not a singling one of them
17 mentioned Crystal Head or Crystal Head Vodka or skull
18 vodka or any response that could reasonably be inferred
19 as referring to Crystal Head in response to seeing the
20 KAH Blanco bottle. So the results were strikingly
21 different from the Squirt survey.

22 Q. So then -- so what do you do with that?

23 A. Well, it was surprising, because normally if you
24 have the same thing and you are measuring it by two
25 different methods, you would expect those methods to

1 converge.

2 So if I get up in the morning and I go into
3 the bathroom and I have two different bathroom scales,
4 and I measure myself on one scale and I measure myself
5 on the other scale, the weight that comes up, regardless
6 of whether I like it, should be similar on the two
7 scales.

8 But here we have two different measuring
9 methods, two different scales, if you will, and the
10 result is very different on the two scales.

11 So I thought about it and the only answer as
12 to why these results could be so different could be that
13 the conditions are not appropriate for one of the tests.
14 And more specifically, I mentioned before, that in order
15 to do an Eveready, one has to have a well-known brand.
16 And if the brand is not well-known, then an Eveready is
17 not appropriate. And that would explain the difference
18 between these two sets of results that I just described.

19 Q. On this slide here we have a couple quotations
20 that are in your report. Right?

21 A. That's correct. And as I mentioned before, the
22 way that an Eveready design works, is it requires the
23 respondent to make a leap in their own mind, to make a
24 connection. I see one product and it brings to mind
25 another product.

1 But if that other product isn't in mind,
2 then all that -- and Eveready really measures is it
3 measures the absence of awareness of that other product.
4 Your ignorance of the other product, that's what it
5 would be measuring.

6 So this first quote here is from a treatise
7 called McCarthy on Trademarks and Unfair Competition.
8 And Professor McCarthy says that Eveready surveys are
9 only appropriate for brands that are widely recognized.

10 The second quote is from the expert who I
11 referred to earlier who had recommended the Cuervo skull
12 control that I used in my research. In a prior report
13 that he had written in a case called Lumber Liquidators,
14 he had written that Eveready can entirely fail to
15 measure the likelihood of confusion when the plaintiffs
16 mark is not very well-known.

17 So if you think about the issue of whether
18 or not in this case Crystal Head is well-known. If it's
19 not well-known, that would explain the difference
20 between the results from the these two, from my Eveready
21 survey and my Squirt survey.

22 Q. And the Squirt survey, is that designed to
23 measure consumer confusion when a product is not
24 well-known?

25 A. You could use a Squirt survey on a product that

1 is well-known and you could use a Squirt survey on a
2 product that's not well-known.

3 We have two independent sets of conditions.
4 In order to use Squirt, we have to have proximity. The
5 products have to be near each other either physically or
6 in consumers' minds.

7 And in order to use Eveready, we have to
8 have a product that's well-known. If a product is not
9 well-known, you cannot use Eveready, it's an improper
10 measure.

11 Q. So what did you do next?

12 A. The obvious question was: Is Crystal Head
13 well-known? So the next thing that I did was conducted
14 research to measure the awareness of Crystal Head to
15 determine whether in fact it was well-known.

16 Q. Okay. Describe that. How did you conduct that
17 research?

18 A. That research was also conducted in malls similar
19 to the kind of locations that we talked about
20 previously.

21 And what I did was, I showed consumers a
22 bottle of Crystal Head and I also showed them bottles of
23 two other well-known vodkas, and asked them if they
24 recognize -- if they've seen these before and if they
25 can name them.

1 So I want you to imagine for this research
2 that -- once again, we've qualified people in the
3 concourse of the mall the same way that I've described
4 for the other two studies. And now when I take them
5 into a room -- in this case the other two surveys we
6 were showing actual products. This survey we showed
7 pictures. And so they saw a picture of the front and
8 the side of the Crystal Head bottle.

9 And in the same interview we showed them
10 a picture of the front and the side of a bottle for a
11 brand called Absolut.

12 Now you'll notice that if you look at
13 that bottle that the brand name on it has been -- it's
14 fuzzy. You can't read it. We did that intentionally.
15 We didn't want people to be able to read the name of the
16 brand off the bottle.

17 And you can also see the third bottle is
18 Grey Goose. And if you look in the middle of the bottle
19 on the left, the Grey Goose bottle, just above the word
20 "vodka," that's where -- normally where the word Grey
21 Goose would appear. But once again we made that fuzzy.

22 So if you are sitting in the interview, you
23 can't read the word Absolut off this bottle. You can't
24 read the word Grey Goose off the Grey Goose bottle. And
25 you will also notice that there's no name Crystal Head

1 on the Crystal Head bottle as well.

2 So we have three bottles. And we're asking
3 in the survey two questions to understand and measure
4 the awareness of these three particular bottles.

5 Q. Let me just ask you, Dr. Isaacson, I assume the
6 names of the three vodkas didn't appear at the top of
7 the pictures like it does here?

8 A. No. That's correct. The names that appear here
9 are on these slides but were never shown to people
10 during the research. And I was just going to say that
11 the reason why I picked Absolut and Grey Goose is
12 because Absolut and Grey Goose at the time were the
13 No. 2 and No. 3 selling brands of vodka in the United
14 States. These are premium brands, similar to Crystal
15 Head being a premium brand. These are unique iconic
16 bottles. These are interestingly shaped bottles with
17 interesting designs on them, similar to Crystal Head
18 being a unique, interestingly shaped bottle. So they
19 were great comparisons to use in the research in
20 addition to Crystal Head.

21 Q. Your in your awareness study, participants see
22 these three pictures. And did you ask them questions?

23 A. Yes, sir.

24 Q. What were those?

25 A. Well, once again, as with the other research, the

1 questions were scripted. And here you see the two most
2 important questions in the research. So they got asked
3 these questions three times.

4 One set of questions for the first bottle
5 they saw. One set of questions for the second bottle.
6 And one set of questions for the third bottle.

7 And so the question would have been
8 Question 3: Even though the picture of the product has
9 been altered, have you ever seen the product shown in
10 this picture before? You may answer yes, no, or that
11 you don't know.

12 So it's a very simple question: Have you
13 ever seen this before? And we're looking for an answer
14 of yes, no, or I don't know.

15 And then for those who said yes, we asked
16 them Question 4: What do you think is the brand name of
17 this product? If you don't know or you're not sure, you
18 may simply say that you don't know.

19 So they're getting two questions for each of
20 these three bottles. By the way, they're getting the
21 bottles in random order. So it's a different order for
22 every respondent.

23 But they're getting the question of: Have
24 you ever seen it before? And what is the brand name of
25 the product?

1 Q. Okay. And what were your results?

2 A. These are the measures from the research. And
3 you can see that for Question 3, the percentage of
4 respondents who say that they have seen the product in
5 the picture before is 46 percent for Crystal Head; 93
6 percent for Absolut, and 85 percent for Grey Goose.

7 And what's nice about that first set of
8 results, is it's consistent with the market share of
9 these brands in the marketplace -- at least at the time
10 that I was doing the research. Absolut was the No. 2
11 brand. That had the highest numbers, 93 percent. Grey
12 Goose was the No. 3 brand, and that was at 85 percent.
13 And obviously Crystal Head was a much smaller brand and
14 that was at 46 percent.

15 If I look at Question 4 now, the percentage
16 of all respondents who could identify the product by
17 name -- and when I say by name as opposed to by name or
18 nickname, by name means I said, let's say, Crystal Head,
19 or something very close to that. Nickname could be
20 skull vodka or some name that's not Crystal Head but
21 that could be reasonably inferred as indicating Crystal
22 Head.

23 And if we take the name or nickname
24 measures, we get to 14.5 percent for Crystal Head. And
25 you can compare that with 83.6 percent for Absolut, and

1 74.5 percent for Grey Goose.

2 So once again, the numbers are in the drink
3 that one would expect based on the market share of these
4 brands. And you can also see that only -- let's say
5 approximately 15 percent of people in the marketplace
6 can identify Crystal Head at the time that I did the
7 research, either by name or by nickname. So in any
8 fashion whatsoever.

9 Q. This is -- 14.5 percent of people who were able
10 to name Crystal Head vodka after seeing it, the bottle?

11 A. Correct. In many ways -- this is an easier task.
12 If we compare this to the Eveready, this is an easier
13 task than the Eveready. Because in the Eveready, I show
14 you KAH, but I never show you Crystal Head. You are
15 expected -- or were measuring whether or not you made a
16 connection, a cognitive connection, a connection in your
17 mind between KAH and Crystal Head. And then you have to
18 name Crystal Head without ever seeing it.

19 In this research we are showing people the
20 Crystal Head bottle and measuring whether or not they
21 can name it after seeing it in front of them. And only
22 15 percent can name it by anything, either the actual
23 name or some name that we could interpret as reasonably
24 related to Crystal Head.

25 Q. Okay. Is your awareness study an example of an

1 assisted memory study?

2 A. This is what we would call an aided task or
3 assisted task. They are seeing the Crystal Head bottle,
4 and they need to identify it based on seeing the bottle.
5 This is an unassisted or unaided task in the Eveready
6 where they don't have that Crystal Head bottle in front
7 of them.

8 Q. If your awareness survey had been an unaided
9 survey, would you expect that 14.5 percent number to be
10 lower?

11 A. Yes.

12 Q. When you were retained as an expert in this
13 action, Dr. Isaacson, did Globefill provide you with
14 various documents to review?

15 A. Yes.

16 Q. And did any of those documents bear on this
17 issue, this issue of brand awareness?

18 A. Yes. Globefill had some marketing research which
19 I looked at and compared to this research that I had
20 done.

21 Q. Okay. Is this the report to which you are
22 referring?

23 A. Yes.

24 Q. And what's your understanding of what this is?

25 A. This is a what's called a usage and attitudes

1 study. In the field of marketing research, this is a
2 standard kind of a research study that companies
3 undertake. And they undertake it in order to understand
4 how consumers use certain products in a category, and
5 what their attitudes are towards products or towards
6 brands in that category.

7 This particular research as you can see was
8 conducted in 2011 and it was based on 2,000 vodka
9 drinkers. And it was conducted online.

10 So this is -- I'm -- this is a relatively
11 standard format for marketing researches. It's a
12 commonly used format. That's what I want to say. And
13 it's based on a pretty good size database, namely, 2,000
14 respondents.

15 Q. Okay. What about this report had a bearing on
16 Crystal Head Vodka brand awareness?

17 A. One of the things that was asked of respondents
18 in this research was they showed respondents a list of
19 brands. And you can see the question at the top of the
20 screen that these respondents were asked: Please review
21 the list below and indicate which vodka brands you are
22 aware of.

23 And you remember, in my awareness survey, I
24 surveyed three brands: Absolut, Grey Goose and Crystal
25 Head. And all of the measures for my survey are within

1 five percentage points of the measures for this survey.

2 You remember my measure for Crystal Head was
3 four 14.5 percent, including name or nickname. Here it
4 is 10 percent. You can see the Absolut number is the
5 highest number. And you remember it was the highest
6 number in my survey. And you can see Grey Goose is
7 lower than Absolut, and it was lower than Absolut in my
8 survey.

9 So this is -- when I looked at this, this
10 corroborates my research and indicates that this 10
11 percent number is very close to my 14.5 number from my
12 research.

13 Q. So your awareness study and this awareness study
14 that was commissioned by Globefill, what did you take
15 away from all of this?

16 A. I took away that, either by this research or my
17 research, that Crystal Head does not have sufficient
18 research -- does not have sufficient awareness for
19 Eveready to be an appropriate research design.

20 And so that means that the Squirt measure --
21 the measure from the Squirt format survey is the
22 appropriate measure to use in this matter.

23 Q Now, that survey, the Squirt survey, I
24 believe you said in order to conduct that, that the
25 products being tested have to be related.

1 A. They have to be proximate, correct.

2 Q. Okay. So -- so why don't you tell the jury once
3 again what that means. What does proximate mean in --
4 in -- in the industry in which you -- you were employed?

5 A. So proximate can be physical. So I might have
6 two products that exist side by side on the same shelf.

7 Proximity can be I might experience one
8 product. So, for example, I might see Crystal Head in
9 a bar and then I might go into a liquor store and I
10 might see KAH on the -- on the tequila shelf, and so I
11 see them in succession.

12 Products can become complimentary. That
13 could be a form of proximity. Products can be used for
14 a similar use and a similar function. That's another
15 kind of proximity where products are -- are substitutes,
16 one for another.

17 So really what you're looking for is you're
18 asking yourself the question, did these products ever
19 exist in the consumer's mind at the same time or in
20 rapid succession, because that's what my Squirt format
21 survey replicates. It replicates a process where you
22 see Crystal Head and then you see KAH. And what you
23 look for in the marketplace is to see whether or not
24 either physically or by some other fashion those
25 products are in the consumer's mind at the same time.

1 Q. Okay. And did you do any research into this
2 issue of proximity?

3 A. I did.

4 Q. Okay. And what did you look at?

5 A. I looked at some data from a company. And I
6 believe it's -- it's on the next slide. This is data
7 from a company called Simmons. They're a very large
8 company that is a standard provider of information on
9 consumers that marketers use throughout the country.
10 They're a division of a very large company called
11 Experian. And this is a survey based on nearly 25,000
12 consumers. So this is a specified process they have.

13 They gather data on what they call a rolling
14 basis. So every month they conduct more interviews and
15 the drop the oldest interviews from the database. So at
16 time that I looked at this database, it was based on
17 responses from 24,772 consumers gathered over multiple
18 months of conducting research.

19 And they asked -- among many other questions
20 asked in the research, they asked two very
21 straightforward questions. One is, do you drink vodka?
22 And the other is, do you drink tequila?

23 And so if you look at of the respondents who
24 say that they drink vodka, 63 percent, nearly two-thirds
25 say that they also drink tequila.

1 And if you look at the opposite drink, if
2 you look at the respondents who say that they drink
3 vodka, nearly half, 49 percent, say that they also drink
4 tequila.

5 Q. So what does this data tell you?

6 A. What it tells you is that these are not products
7 that have, by and large, separate consumer bases. These
8 are products that overlap. Two-thirds of those who
9 drink tequila also drink vodka. About half of those who
10 drink vodka also drink tequila. What this means is that
11 potentially a tequila bottle could be relevant for a
12 vodka bottle for a vodka drinker and the vodka bottle
13 could be relevant for a tequila drinker. So we're not
14 looking at -- at categories that are completely
15 separate, but rather we're looking at categories that
16 share a consumer base, a consumer who often drinks both
17 tequila and vodka.

18 Q. Okay. And do manufacturers respond to this kind
19 of data and --

20 A. They do. They do. And if you look at the
21 category, it's a common thing that companies
22 will manufacture and sell both tequila and vodka.

23 So a minute ago I talked about the overlap
24 among the consumer base. There's also an overlap
25 between tequila and vodka in the manufacturer base.

1 So if you look at a company called Beam,
2 named after Jim Beam, you can see that they make three
3 different vodkas -- Pinnacle, Effen and Pucker. And
4 they also make three different tequilas that you see
5 listed on that slide. Patron, which was one of the
6 tequilas that was tested in my lineup. Patron Silver, I
7 mentioned that that's the No. 2 brand of tequila in the
8 United states, they make a vodka called Ultima -- Ultmat
9 vodka. And then finally, I mentioned Diageo. They're
10 the manufacturers of a product called Don Julio, and
11 they make not only Don Julio, but they three different
12 vodkas, including Smirnoff, the No. 1 at the time, the
13 No. 1 selling brand of vodka in the United States.

14 So these products not only share a consumer
15 base, but they also share a base of manufacturers who
16 sell both products. So for a consumer to conclude that
17 a vodka and a tequila were both made by the same company
18 would not be crazy; it would be consistent with what
19 happens frequently in the marketplace.

20 Q. Okay. Could we go back to Slide 15.

21 This slide, Dr. Isaacson, is about your
22 Eveready survey, right?

23 A. Correct.

24 Q. Okay. And the total number of qualified
25 participants you had at that the 134 number?

1 A. That is correct.

2 Q. Okay. And that's a little less than one-third of
3 the qualified participants that you had in your Squirt
4 survey, right?

5 A. Correct.

6 Q. Okay. Did you end this survey early, this
7 Eveready survey?

8 A. No. I ended it when I had enough interviews to
9 know how it was -- how it was turning out. But I
10 conducted more interviews for the Squirt survey in part
11 because I -- I tested more products.

12 You remember that Squirt survey had four
13 line-ups, and each of those was a new set of
14 respondents. The Eveready survey we had only two
15 products as opposed to four products.

16 Q. Okay. So let's bring it all to an end here,
17 Dr. Isaacson.

18 Once again, what was the issue that you were
19 asked to provide an expert opinion on in this case?

20 A. The likelihood of confusion, whether consumers
21 are likely to confuse Crystal Head Vodka and KAH
22 Tequila.

23 Q. Okay. And did you reach an opinion on that
24 issue?

25 A. I did.

1 Q. And what is that opinion?

2 A. My opinion is that there's a substantial or
3 significant likelihood of confusion between those two
4 products.

5 Q. And is that based on the testing that we've
6 discussed here today?

7 A. Yes, sir.

8 MR. FAY: Okay. Thank you. Pass the
9 witness.

10 THE COURT: Before the cross-examination, if
11 anybody wishes to stand and stretch, you may do so.

12 Counsel may proceed when you're ready.

13 MR. RAFFERTY: Thank you, Your Honor.

14 **CROSS-EXAMINATION**

15 BY MR. RAFFERTY:

16 Q. Still good morning, Dr. Isaacson.

17 A. Good morning.

18 Q. My name is Tom Rafferty. I don't think we've
19 met. I represent Elements Spirits.

20 Dr. Isaacson, on your -- when you did your
21 Eveready study, generally speaking, are Eveready studies
22 considered the gold standard of confusion surveys?

23 A. In certain context, yes.

24 Q. Okay. But gold standard meaning this is the most
25 reliable, and I take it -- you're in certain context.

1 A. Yes, in certain context. That's correct.

2 Q. In your Eveready study you said you had 134
3 people who participated, who were interviewed?

4 A. Correct.

5 Q. They qualified -- they got through your
6 qualifications. They were taken to the room in the
7 mall. They were asked questions, shown the bottle, and
8 then gave their answers and left?

9 A. Yes, sir.

10 Q. Of that 134 number, how many of them actually saw
11 the KAH Blanco bottle?

12 A. Approximately half.

13 Q. So half of them saw the KAH Blanco bottle and the
14 other half you didn't show them that bottle? You were
15 using them as a control group?

16 A. The other half saw the control bottle as opposed
17 to the KAH Blanco bottle.

18 Q. Okay. Now, were they allowed to pick the bottle
19 up and look at it?

20 A. Yes.

21 Q. And I think you said that you concluded that
22 there was no substantial confusion that could be
23 demonstrated by virtue of that study between the KAH
24 Tequila bottle and the Crystal Head vodka bottle; is
25 that right?

1 A. I said that there wasn't a single person who
2 mentioned Crystal Head in response to seeing that
3 bottle.

4 Q. So every single person who was showed the KAH
5 Blanco in answer to those questions, not a single one of
6 them made any reference to the Crystal Head vodka
7 bottle; is that right?

8 A. That's correct.

9 Q. And not a single one of them made any reference
10 to Mr. Aykroyd; is that right?

11 A. That's correct.

12 Q. Okay. And in fact many of those respondents, in
13 answering your questions, correctly identified the
14 Blanco bottle as a product of KAH, didn't they?

15 A. Correct.

16 Q. And they said so? They said this is KAH Tequila?

17 A. Some of them, that's correct.

18 Q. Do you remember how many of them, sir?

19 A. I don't remember.

20 Q. Dozens?

21 A. I don't remember the exact number, but many.

22 Q. Many. And many -- so many were not confused at
23 all? They new exactly what it was when you gave it to
24 them?

25 A. I agree with the second half of your statement.

1 They knew what it was when I gave there to them and they
2 didn't mention Crystal Head.

3 Q. So they weren't confused, were they, sir?

4 A. Well, I don't think that that test was an
5 appropriate measure of confusion. So I don't --

6 Q. I didn't ask you that question. I asked you
7 whether they were confused.

8 A. I can't answer that.

9 Q. You gave them a Blanco tequila bottle and they
10 correctly identified it as the KAH Tequila bottle? Not
11 the Crystal Head vodka bottle, not something associated
12 with Mr. Aykroyd or Globefill, didn't they?

13 A. That's correct.

14 Q. Okay. So they weren't confused, were they, sir?
15 They new exactly what they had in their hand?

16 A. I wouldn't go from the first part of your
17 statement to the second part of your statement.

18 Q. You still think they were confused?

19 A. Well, I think that the awareness study indicates
20 that that's not an appropriate measure of confusion.

21 Q. That is a different study with different
22 participants, wasn't it, sir?

23 A. Which study?

24 Q. The awareness study.

25 A. That's correct.

1 Q. That came long after you closed down your
2 Eveready study?

3 A. It came the very next month; it wasn't long
4 after.

5 Q. It was a month later?

6 A. Less than a month; it was a few weeks later.

7 Q. Okay. I'm asking you about the participants in
8 this first study, the Eveready study, who were handed
9 this bottle and asked whether they could identify what
10 brand it was and who manufactured it, were they
11 confused?

12 A. I can't answer that, because I don't believe that
13 that survey was measuring confusion. It was measuring
14 something else.

15 Q. Whatever you were measuring, sir, some of them,
16 you said maybe dozens, in fact told you in their written
17 responses to your questions that they knew exactly who
18 made the bottle and what brand it was and what it was.
19 It was KAH Tequila?

20 A. That's correct.

21 Q. Okay. Now, you said that, I think on your
22 direct, that you -- you concluded that you had enough
23 interviews in the Eveready study in the 134 to know how
24 it was turning out; is that right, sir?

25 A. That's correct.

1 Q. And you knew how it was turning out what -- the
2 way it was turning out was there was absolutely not a
3 scintilla of confusion among the participants in that
4 survey?

5 A. There was nobody who mentioned Crystal Head in
6 response to seeing that KAH Blanco bottle.

7 Q. Was there anyone who mentioned Mr. Aykroyd?

8 A. No.

9 Q. Was there anyone who mentioned the legend of the
10 13 crystal heads?

11 A. No.

12 Q. In fact, what they did mention was KAH Blanco
13 tequila manufactured by a company in Mexico and sold
14 under the KAH brand, right?

15 A. Well, they didn't say that whole statement. But
16 some people said KAH in response to seeing that bottle.

17 Q. Okay. Now, you also concluded that the -- the
18 items you were studying -- the KAH Tequila and the
19 Crystal Head vodka -- were premium items?

20 A. Yes, sir.

21 Q. Okay. And -- but the people in your study, they
22 weren't being asked whether they would buy any of these.
23 They were -- in fact, you didn't even ask them whether
24 they actually had purchased tequila at that price point,
25 had you?

1 A. Well, we asked them about purchasing. But the
2 purchase question was about future purchase, whether
3 they were likely to purchase at a particular price
4 point.

5 Q. Was it whether they were likely to purchase or
6 whether they would consider purchasing?

7 A. Whether they would consider purchasing, I believe
8 was the exact phrasing.

9 Q. Okay. Do you believe that whether someone would
10 consider doing something is a -- is a way to measure
11 whether they're likely to do it?

12 A. It depends on the context. But I believe that
13 the question I used was an appropriate way to see
14 whether people would purchase at the right price point.

15 Q. Dr. Isaacson, I'm on a clock, so I'd like you to
16 answer my questions.

17 Do you believe that someone saying that I
18 would consider purchasing something in the future at
19 this point is an indication that they're likely to do
20 so?

21 A. I'm not sure how to answer your question other
22 than to say I think it was an appropriate question to
23 qualify people --

24 Q. I think yes or no might get there.

25 THE COURT: And apparently the witness is

1 unable to answer the question yes or no. That's what
2 the Court understands.

3 Is that correct, sir?

4 THE WITNESS: Yes, ma'am.

5 BY MR. RAFFERTY:

6 Q. Did -- so let's move on to your -- your -- your
7 Squirt study. Now, in the Squirt study you showed
8 people the box of Crystal Head vodka and the bottle
9 outside of the box?

10 A. Yes, sir.

11 Q. And I think you said that you did that in part
12 because you -- you visited a lot of liquor stores and
13 concluded that that's how it was often marketed?

14 A. Yes. I mentioned that I also spoke to Jonathan
15 Hemi, who me that that was the common way that it was
16 marketed as well.

17 Q. Okay. And so people would come in. They would
18 qualify. They would be taken to the room. They'd be
19 shown the Crystal Head vodka bottle and the box, right?

20 A. Correct.

21 Q. And then what would happen?

22 A. Then those items would be removed from sight, and
23 then they would see one of the four arrays that I
24 described earlier.

25 Q. When -- when -- and so when you showed these

1 participants the arrays, the Crystal Head vodka bottle
2 they had been shown, for how long were they shown that
3 bottle before it was taken away?

4 A. As long as they wanted to look at it.

5 Q. Okay. And they were getting between three and
6 five dollars for their time?

7 A. Yes.

8 Q. Did anybody spend a substantial amount of time
9 studying the Crystal Head vodka bottle and the box?

10 A. They would -- they would spend as long as they
11 wanted to. I don't know what "substantial" is. But --

12 Q. Well, how long on average, do you know?

13 A. I don't know the exact amount of time that they
14 would spend.

15 Q. Did you have some amount of time that you thought
16 was an appropriate amount for them to be viewing the
17 bottle to take on what information they would need then
18 to be participants in the further questions they were
19 going to be asked?

20 A. No. Because what we're doing is replicating what
21 happens in the marketplace. And you could look at a
22 bottle in the marketplace quickly and you could look at
23 a bottle in the marketplace for a long time.

24 And in the research, some people I'm sure
25 looked at it very quickly and some people studied it

1 like it was a quiz, and it would depend on the
2 respondent the same way that it might in the liquor
3 store.

4 Q. One other question about the Eveready survey,
5 sir, you put up a slide that had some quotes from people
6 who said they -- they were -- they thought these bottles
7 might have a common sponsorship or -- or -- or be from
8 the common source. Do you recall that slide?

9 A. Yes, sir.

10 Q. And that slide was the -- the ones from the
11 400-plus participants who participated in your survey,
12 your Squirt survey, that was conducted, right?

13 A. Yes, sir.

14 Q. So it was a handful?

15 A. Yes.

16 Q. Did you -- did you prepare a slide with the
17 comments that the participants in the Eveready study
18 gave you?

19 A. No.

20 Q. And so -- and in the Squirt study, how many of
21 the participants actually filled out the questionnaires
22 beyond simply checking the -- the numbered boxes? How
23 many gave you written comments?

24 A. I don't know the exact number. But -- but you
25 had to either answer the question or say "I don't know"

1 in response to those verbal questions, the "why"
2 questions and in the Squirt survey.

3 Q. Okay. And the why questions in the Squirt
4 survey, did you have to answer them? Or could you just
5 get up and go?

6 A. You had to provide some kind of an answer. But
7 that answer could be "I don't know."

8 Q. Okay. And could you also sort of just say what
9 the source is and not explain it? Did you have to
10 explain it before you could leave?

11 THE COURT: Counsel has two questions.

12 MR. RAFFERTY: Your Honor, I apologize.

13 Q. Did the participants in that survey, were they
14 required to fill out a narrative of their reasoning for
15 their answers?

16 A. They were asked a question, and they could either
17 answer it or say "I don't know," and some people were
18 articulate and some people were inarticulate.

19 Q. Okay. And some people in fact said things like
20 "I took a wild guess"?

21 A. I don't think we -- if there were comments like
22 that, there were very few of them. I don't remember any
23 comments that said "I took a wild guess."

24 Q. Are you sure?

25 A. I'm not positive that we didn't have a few of

1 those in there. But the fact that we had controls were
2 specifically designed to address for issues such as
3 guessing.

4 Q. Well, if somebody wrote in their comments "I took
5 a wild guess," did you disregarded their input, or were
6 they still included in the survey?

7 A. We went through all of the verbatim comments, and
8 if there's someone who said "I took a wild guess," I'd
9 want to look at the rest of their comments.

10 But if they provided comment that indicated
11 that they weren't paying attention, things that were
12 crazy or outlandish, generally we would have removed
13 them from the database.

14 Q. How many people were removed from the database on
15 this study?

16 A. I'm happy to look it up. It's in -- it's in my
17 second report. But I don't remember the number off the
18 top of my head.

19 We started with -- we started with an
20 interview. We -- we approached, I believe, a little
21 more than 1200 people to get the 455 people. But that
22 455 interviews that we ended up with was after we had
23 removed people for things like comment that were not
24 pertinent or germane to the matter that they were asked
25 to look at.

1 Q. Do you recall that in -- in connection with this
2 case you submitted a confusion survey verbatim responses
3 for the Squirt study?

4 A. I'm sorry. Say that again.

5 Q. Do you recall that in connection with your
6 reports in this case, you submitted a confusion survey
7 verbatim responses exhibit?

8 A. Yes.

9 Q. And were those actual participants in the survey?
10 Or were those -- did it include people who had been
11 called out?

12 A. No. Those would be participants in the survey.

13 Q. Okay. And you don't recall then among the
14 comments, the verbatim comments: "I just took a wild
15 guess"?

16 A. I don't recall that specific comment.

17 Q. Should that person have stayed in the survey?

18 A. It depends on what their other responses were to
19 other items that they saw in the survey. So if they
20 gave us that response -- and I don't know if that
21 response was on KAH or on one of the other products. It
22 could have been on 1800 or -- or Patron.

23 But if they gave us articulate responses to
24 all of the questions and maybe gave us a response like
25 that on Patron or on one of the other products that's

1 not the subject of the survey, I would have included
2 that person in the final database.

3 Q. So you would have in the -- in the support, the
4 data support for your conclusion that there was
5 confusion in your Squirt study, you would have included
6 someone even if they told you point blank that they took
7 a wild guess?

8 A. It -- it depends on what the rest of their
9 responses were. And if there was someone who gave me
10 one response like that on an item that was not KAH, then
11 I likely would have included them in the final database.

12 Q. Is that smart? You would have included them?

13 A. Yes.

14 Q. Okay. Did you tell the consumers what the price
15 of any of the bottles that you included in your array
16 was?

17 A. Do you mean the retail price or -- or --

18 Q. Yeah, the retail price.

19 A. I don't remember all the retail prices off the
20 top of my head.

21 Q. That's not the question I asked you, sir. I
22 asked you whether you informed the participants, who
23 viewed these various arrays, what the retail prices were
24 of the bottles in the arrays they were looking at?

25 A. Oh, I'm sorry. I answered the wrong question.

1 The answer is no, I did not inform them.

2 Q. So unless they happened to have otherwise been
3 familiar with the bottles in your array, they wouldn't
4 have had any idea whether they were premium vodka or
5 tequilas or non-premium tequilas or super premium
6 tequilas?

7 A. Correct.

8 Q. Okay. And you don't think that that might have
9 had some impact on how they viewed the -- your questions
10 and the appropriate answers?

11 A. I don't think that would have been appropriate
12 to tell people in the interview.

13 Q. Okay. But you did try to screen them by asking
14 them whether in the next six months they might consider
15 buying a premium tequila?

16 A. Well, we didn't use the word "premium," but we
17 asked about a particular price point.

18 Q. So -- but were you asking about a price point
19 that made the tequila a premium tequila?

20 A. Yes, sir.

21 Q. Okay. So whether you said the word "premium,"
22 that's what you were doing? You were screening to get
23 participants who might purchase a premium tequila
24 within the next six months?

25 A. That's correct.

1 Q. Did you do anything to screen for whether the
2 participants in the Squirt survey had any idea about or
3 had any experience with any of the bottles in the array?

4 A. No.

5 Q. So as far as you know, somebody could have come
6 in and they -- they -- they were a regular purchaser of
7 Don Julio tequila and you wouldn't have screened for
8 that?

9 A. Correct.

10 Q. Okay. Now, you said in your direct that you
11 wanted to -- that the array survey is something that --
12 that you're attempting to make it look like the
13 marketplace, right?

14 A. Yes, sir.

15 Q. Okay. And is part of that that it's important
16 that the little environment that you're creating in your
17 Squirt survey is supposed to look like what the real
18 world looks like?

19 A. Yes, sir.

20 Q. Okay. And -- and have I got that wrong? Do
21 you -- do you disagree that what you've striving to do
22 is to recreate the real world?

23 A. We're recreating a simplified version of the real
24 world. So that's -- I generally agree with you. But a
25 survey environment is by necessity a simplified version

1 of that.

2 Q. Okay. So could we put up Slide 6.

3 Now, Slide 6 is -- is one of the arrays that
4 you -- you showed in your Squirt survey after the
5 participants had been shown the Crystal Head vodka box
6 and Crystal Head vodka bottle outside, right?

7 A. Correct.

8 Q. Is there a reason why the 1800 tequila you chose
9 was not a Blanco and was a Reposado instead?

10 A. I didn't want the -- the lineup to be a hundred
11 percent Blancos, because the category is not a hundred
12 percent Blancos. And I wanted to have a lineup that
13 looked like the tequila aisle, and so I thought it was
14 appropriate to include a tequila in here that was not a
15 Blanco.

16 Q. Okay. Now, this -- the second bottle, the white
17 bottle with the KAH label on the neck, that's a bottle
18 that doesn't really exist in the real world, does it?

19 A. That's correct.

20 Q. In fact, it's a bottle that you made yourself?

21 A. Yes, sir.

22 Q. Okay. But you didn't go out and order a kind of
23 unique bottle? You went out and got a bottle off the
24 shelf and converted it, didn't you?

25 A. Actually, I think we got a very unique bottle.

1 Q. Did you get a bottle of Cazul 100 tequila from a
2 liquor store and paint it?

3 A. It -- it was a bottle of Cazul 100, and it was
4 painted. And I think it's a unique bottle.

5 Q. It was already on the market?

6 A. Correct.

7 Q. Okay. Maybe I'll leave that for the semantics.

8 You took a bottle that was already on the
9 market, and you took the label that was on that bottle
10 and you took it off and you painted the bottle white?

11 A. Correct.

12 Q. It was a clear bottle when you got it?

13 A. Yes, that's correct.

14 Q. Okay. And then you had someone paint some
15 graphic design on it loosely based on the graphic design
16 on the KAH Blanco bottle?

17 A. Correct.

18 Q. Did you think that this bottle looked like a
19 skull?

20 A. I think it had elements that were reminiscent of
21 the KAH Blanco bottle.

22 Q. The graphics?

23 A. Correct.

24 Q. And it has a straight stem?

25 A. Yes.

1 Q. Doesn't have the swept back stem, does it?

2 A. It does not.

3 Q. So you didn't show -- other than the KAH Blanco
4 bottle, the only bottle that was shown in any of your
5 arrays that had a slanted spout on the top was the KAH
6 Blanco bottle?

7 A. That's correct.

8 Q. You didn't look to reproduce -- there are other
9 bottles with slanted spouts on the market, aren't there?

10 A. There are. I thought this was closest to the
11 shape overall of the KAH Blanco bottle, and that's why I
12 used it.

13 Q. Okay. And the same thing in -- if you go to the
14 next slide, seven, this is an array in which you changed
15 out the control. The second bottle is again a former
16 Cazul 100 tequila bottle that you have taken, painted
17 and added graphics to it?

18 A. That's correct.

19 Q. And did you -- did you believe that this looked
20 like a skull?

21 A. No.

22 Q. Okay. Were there any bottles in your array that
23 in any way, shape or form resembled a skull?

24 A. The -- yes. The -- the Jose Cuervo skull bottle.

25 Q. Where is that?

1 A. That's on the next slide.

2 Q. Go to the next slide.

3 This tall straight bottle you believe
4 resembles a skull?

5 A. Well, your expert told me it resembled a skull
6 and told me that it was a better control than the
7 controls that I used. So I took his word on it.

8 I don't believe that the controls should be
9 a skull body bottle. But because it was suggested by
10 one of KAH's experts, I tested this bottle which I was
11 told was a skull bottle.

12 Q. Did you have any concern at all that having shown
13 a group of participants a skull bottle for however long
14 they cared to look at it before they moved on and then
15 showed them an array of bottles -- the only other bottle
16 that had anything resembling the skull shape was the KAH
17 Blanco bottle that you used, do you have any concern
18 that you might be suggesting what the answer to the
19 question is?

20 A. Are you asking me if I'm concerned --

21 THE COURT: Excuse me for a moment.

22 Apparently the witness doesn't understand the question.

23 MR. RAFFERTY: Then I'll try it again, Your
24 Honor. Clearly my fault.

25 Q. In designing an array in which the only bottle

1 that had anything resembling a skull shape was the KAH
2 Blanco bottle, did you have any concern at all that what
3 you were doing was suggesting to the participants what
4 the answer to your question was?

5 A. No.

6 Q. Okay. Now, when you -- Dr. Isaacson, the two
7 slides that I put up, these are slides that you worked
8 with counsel for Globefill in putting together?

9 A. Yes.

10 Q. Okay. And so -- and you explained, I think,
11 the -- the all measured confusion. And we'll get to the
12 confusion, the net confusion a little bit later.

13 But in the all measured confusion, were you
14 at all concerned by the fact that 25 percent of the
15 people thought that the bottle that you created in
16 Control 1 was either sponsored by or sourced from
17 Globefill?

18 A. No.

19 Q. But in fact 25 percent of the people -- of the
20 participants who were shown that particular array said,
21 yes, that one is either made by Globefill or approved by
22 them?

23 A. That's correct. Sponsored or approved, yes.
24 That's correct.

25 Q. Okay. And that -- that -- your study was

1 designed to -- to measure confusion and that was -- the
2 output of that study was that there was confusion
3 between that bottle that you created and the Globefill
4 Crystal Head skull?

5 A. That's -- there was 25 percent, nearly 25 percent
6 of the people picked that one out from the array.
7 That's correct.

8 Q. Okay. And in fact there's not a single bottle in
9 that array that some people, given the questions they
10 were asked, didn't give you an answer that says it's
11 either sourced by Globefill or sponsored by Globefill;
12 isn't that right?

13 THE COURT: I'm not sure I understand the
14 question, counsel.

15 MR. RAFFERTY: Okay. Then I'll try again.

16 Q. Let's take this source since you've combined
17 these on this chart, the numbers that -- that we're
18 looking at, the percentages, that shows the aggregate
19 confusion. So both of your questions it either is comes
20 from Globefill or Globefill somehow approved it; is that
21 right?

22 A. That's correct.

23 Q. Okay. So is it the case there isn't a single
24 bottle that you showed in these arrays that some number
25 of the participants didn't identify as either sourced

1 from Globefill or sponsored by Globefill?

2 A. Some number of participants identified each of
3 these bottles, some percentage of -- of respondent.

4 Now, in some cases it's quite small,
5 6.6 percent of respondents, I don't know if that's
6 materially different from zero. That's a low number.
7 7.4 percent of respondents, that's also a very low
8 number. But the other bottles, it's somewhere in the
9 mid-teens that were identified.

10 Q. So, sir, your testimony was you want this jury to
11 believe is that 6.6 percent is not materially different
12 than zero?

13 A. I would have to look at it. I don't know if it's
14 statistically different from zero. But -- but if you --
15 if you conduct this kind of research, seeing that --
16 that 6 or 7 percent of the people are picking a couple
17 of -- of bottles out of a lineup is not a very high
18 number, particularly when we compare it with the
19 58.7 percent who are picking out KAH. The numbers for
20 KAH are substantially higher than the other numbers.

21 Q. KAH is the only bottle that has anything
22 resembling -- that is in the form of anything resembling
23 a skull in this study, isn't it?

24 A. Well, we've also got the Cuervo skull bottle.
25 And we've got two controls that have elements from --

1 from the KAH bottle as well.

2 Q. But they're Cazul 100 bottles.

3 A. They're not Cazul 100 bottles. They're control
4 bottles. They've been painted. They've been relabeled.
5 The name KAH has been on their neck.

6 Q. But they're not KAH bottles?

7 A. They're control bottles for KAH.

8 Q. Okay. That you created?

9 A. Correct.

10 Q. Could you have used other bottles from the
11 marketplace as a control bottle?

12 A. If there was an appropriate bottle, I could have
13 used a different bottle from the marketplace.

14 Q. Could you have found any number of bottles that
15 had some skull motif associated with them that you might
16 have used?

17 A. I said this before, I don't think that it's
18 appropriate to use a skull as a control. I only used it
19 because it was recommended most heavily by an expert
20 retained by KAH.

21 But I believe there's very good reason to
22 not to use a skull on a control because it's potentially
23 objectionable in this matter.

24 But yes, physically I could have used a
25 different bottle that had a skull on it as a control

1 instead of the Cuervo skull bottle.

2 Q. Okay. And I'm going to -- I'll just, before I
3 move on to another area. Since -- so you're confident
4 that having shown people a bottle in the shape of a
5 skull, then having shown an array of four bottles, only
6 one of which contained a bottle in the shape of a skull,
7 albeit a calaveras, that you weren't suggesting the
8 answer to your own question?

9 A. There's -- there's two ways your question can be
10 interpreted. If you're me was I was unfairly suggesting
11 an answer to respondents, I would say no. But if you're
12 asking would respondents in my survey have picked up
13 from the survey the idea that these two are related,
14 then that is potentially correct. And that mimics the
15 process they would experience when they see two
16 skull-shaped bottles in the liquor store.

17 Q. So let's talk about a little bit about the liquor
18 store. Your -- your test measures what happens when
19 someone sees a Crystal Head vodka bottle first, right?

20 A. Sees or experiences or is previously familiar
21 with it. It's not that they immediately have to see it
22 prior to, but somehow it's planted in their mind.

23 Q. Well, but in your -- in your Squirt survey they
24 do see it immediately prior to. They're shown it.
25 They're shown the bottle and the box and given an

1 opportunity to look at it?

2 A. That's correct.

3 Q. Okay. And in the real world, are all of the
4 vodka sections in liquor stores right at the front door
5 so you have to pass by the Crystal Head vodka bottle to
6 get to the tequila section?

7 A. No.

8 Q. Okay. In fact, there are a lot of instances in
9 which you might see the KAH bottles first before you saw
10 the Crystal Head bottle?

11 A. That's correct.

12 Q. And you didn't test for that?

13 A. I didn't test the scenario where someone sees KAH
14 and then comes to the vodka aisle and encounters Crystal
15 Head; that's correct.

16 Q. Okay. You just didn't test for it. So you have
17 no basis one way or the other to know whether anyone
18 would be confused?

19 A. I didn't measure that.

20 Q. Okay. So is that a yes to my question? You have
21 no basis to know whether there's any confusion?

22 THE COURT: I think the witnesses has
23 answered the question.

24 MR. RAFFERTY: Okay, Your Honor. Thank you.

25 Q. Now, you did four arrays here, and you only used

1 the KAH Blanco bottle. You think you -- you've
2 testified in the past that you -- it was the best
3 selling of the bottles?

4 A. I believe that KAH Blanco out of the three
5 different varieties, maybe more than I'm aware of, of
6 KAH is the best selling.

7 Q. Okay. But you didn't for example, show anybody
8 in your survey this bottle?

9 A. I did not.

10 Q. Okay. And you didn't show them this bottle?

11 A. I did not.

12 Q. Okay. So do you have any scientific basis for
13 determining whether the results would have been the
14 same, different or -- or -- or the same or different had
15 you shown one of these other bottles in an array to the
16 participants?

17 A. I don't have any measurements to show you.

18 Q. Okay. And the same is true for the black bottle,
19 you didn't measure that so you don't know?

20 A. I don't have any measurements to show you on that
21 one either.

22 Q. But you did visit a whole variety of liquor
23 stores, or people did it for you and they took
24 photographs, didn't they?

25 A. Both of those were true. I visited some, and

1 then in some cases people visited under my drink.

2 Q. Was it your experience that the KAH bottles were
3 typically sold in groups of the different varieties?

4 A. Oftentimes, yes.

5 Q. So you would go into a liquor store and on a
6 shelf would be two or three of the KAH bottles lined up
7 together in rows of the different colors?

8 A. That was very common, yes.

9 Q. Okay. And you didn't think that it was important
10 to replicate that real world, that a customer going into
11 a liquor store wouldn't just see the Blanco bottle, but
12 would typically see all three of these bottles, maybe
13 even a forth?

14 A. No, I didn't think that was necessary to include
15 in my survey, and I thought it was inappropriate to
16 include that in my survey.

17 Q. And you didn't?

18 A. That's correct.

19 Q. So as we sit here today, you have no idea whether
20 there is any confusion at all as to this bottle and the
21 Globefill Crystal Head bottle, right?

22 A. I don't have a measurement for it, that's
23 correct.

24 Q. Okay. And you don't have a measurement for
25 whether there's any confusion at all as to this bottle

1 of the Globefill Crystal Head bottles?

2 A. That's correct.

3 Q. Now, is it true, sir, that you don't hold
4 yourself out to be an expert in the alcoholic beverage
5 industry?

6 A. That's correct.

7 Q. And in fact prior to this case, you had never
8 ever conducted a marketing survey in connection with the
9 marketing of alcoholic beverages?

10 A. I think that's true.

11 Q. Okay. And that's -- that includes the entire
12 period that you've been the president of MMR Strategy?

13 A. It is. I did work at a wine company earlier in
14 my career, so I'm not entirely unfamiliar with alcoholic
15 beverages. But at the time that I've been at MMR, prior
16 to survey I don't believe that I conducted a survey on
17 alcoholic beverages; although since then I've conducted
18 a survey and testified about alcoholic beverages.

19 Q. But this was the first one?

20 A. This was the first one at MMR, not including my
21 experience working at a wine company.

22 Q. Okay. Now, if you put up exhibit --
23 demonstrative 25.

24 On your direct you put this up -- and you
25 talked about the -- the results being somewhat

1 consistent with your 14 percent conclusion of --
2 awareness conclusion versus this 10 percent awareness
3 conclusion.

4 A. Yes.

5 Q. Is that right?

6 And -- and this survey that you got here, do
7 you know what time period it covered?

8 A. Well, the research is -- is dated 2011. So --
9 and if I had the full report in front of me, I could
10 tell you when it was covered, when it was conducted.
11 But it would have been prior to May of 2011.

12 Q. Prior to testifying today did you have an
13 opportunity to review that full report?

14 A. Yes.

15 Q. And 2011 was how many years after Crystal Head
16 vodka been announced on the market?

17 A. I believe approximately three, if I'm correct.
18 That it was introduced around 2008.

19 Q. Okay. And so from the time of its introduction
20 through the time that this survey was taken a whole lot
21 of marketing had occurred for Crystal Head vodka, hadn't
22 it?

23 A. You're asking me about the time between this
24 survey and the introduction of Crystal Head?

25 Q. I think just the opposite. The introduction of

1 Crystal Head up to the time when the data for this
2 survey is gathered.

3 THE COURT: And the question is?

4 BY MR. RAFFERTY:

5 Q. There had been -- during that period from the
6 time that Crystal Head vodka had been introduced to the
7 time of this survey there had been a great deal of
8 marketing activity undertaken on behalf -- by Crystal --
9 by Globefill on behalf of Crystal Head vodka, right?

10 A. I don't know if it was a great deal. It wasn't a
11 great deal compared to Absolut or Grey Goose. But it
12 was a great deal for a fledgling brand. We just have to
13 put it in perspective.

14 Q. Okay. So whatever Mr. Aykroyd did in his various
15 signings and promotions and whatever anyone else did for
16 Crystal Head vodka, by the time of this survey it had a
17 recognition or an awareness among the public between
18 10 percent in this survey and 14 percent in yours?

19 A. Correct.

20 Q. So not many people knew about it?

21 A. Correct.

22 Q. Okay. Now, I think you testified on direct that
23 you had been retained from time to time by some
24 government agencies?

25 A. Yes, sir.

1 Q. And you said that in addition to work you had
2 done for private parties, you've also have done work for
3 the -- I think you said the FTC?

4 A. The FTC and the Department of Justice, that's
5 correct.

6 Q. All right. And the FTC is the Federal Trade
7 Commission?

8 A. That is correct.

9 Q. Okay. During that time have -- the time that
10 you've been doing these marketing surveys, have you ever
11 been criticized for the methodology that you've used?

12 MR. FAY: Objection. Hearsay.

13 THE COURT: Well, we don't -- the question
14 doesn't ask for the criticism. It just asks has there
15 been criticism.

16 Overruled. You may answer, sir.

17 THE WITNESS: I've had a court which in
18 one -- in a case disagreed with the methodology that I
19 had used and criticized it.

20 BY MR. RAFFERTY:

21 Q. Just one?

22 A. I think there's only one substantive criticism
23 that I can think of. I've testified on about two dozen
24 likelihood of confusion surveys, and there's only one
25 that I can think of where a court criticized the

1 methodology.

2 There's another one where a court disagreed
3 with my use of an Eveready survey. But really only one
4 that I can think of where there was a critical comment.

5 Q. And putting aside whether it's limited to -- to
6 likelihood of confusion studies, has your work ever been
7 criticized by other federal judges in other marketing
8 survey work?

9 A. Not that I'm aware of. I'm aware of a single
10 case where a survey was criticized and another case
11 where, again, a court disagreed with my use of an
12 Eveready.

13 Q. Okay. Are you aware of the Parallel Materials
14 case?

15 A. I'm aware of a case called Parallel Networks.

16 Q. Okay. Did you testify in that case?

17 A. I was deposed in that case. I didn't testify in
18 court.

19 Q. Okay. And did you offer an expert opinion?

20 A. Yes.

21 Q. And did the -- did that opinion get criticized by
22 the court?

23 A. I haven't seen any criticism by the court in that
24 matter.

25 Q. You haven't read the published opinion from the

1 court in the Parallel Networks versus Microsoft case?

2 A. I have not. It's quite recent, and I haven't --
3 I didn't know that an opinion was published.

4 Q. When you say "quite recent," what do you mean by
5 that?

6 A. Well, I -- the last I heard about that case, I
7 believe that the court had reached some kind of decision
8 about a month ago. And -- but I haven't -- I don't know
9 what that decision was or what the court wrote.

10 Q. No one told you that the court had concluded that
11 your survey --

12 MR. FAY: Objection, Your Honor. This is --

13 THE COURT: Sustained.

14 MR. RAFFERTY: Your Honor --

15 THE COURT: Objection sustained.

16 MR. RAFFERTY: Thank you, Your Honor.

17 Q. Now, you are aware of the Tokey Dokey case?

18 A. I am.

19 Q. Okay. And the court in that case --

20 MR. FAY: Once again, Your Honor, this is
21 hearsay.

22 THE COURT: It's not offered for the truth
23 of the matter asserted so I think it's not hearsay.

24 MR. FAY: I think --

25 THE COURT: So I would overrule the

1 objection.

2 BY MR. RAFFERTY:

3 Q. Do you understand that your survey in Tokey Dokey
4 was seriously flawed?

5 A. I understand that it was -- that the court had
6 some comments critical of the survey.

7 Q. Was one of those comments that the survey was
8 seriously flawed?

9 A. It could have been. I don't remember the exact
10 phrasing of the comments.

11 Q. Was one the comments that the survey was leading
12 and unrealistic?

13 A. It could have been. Again, I don't remember the
14 exact phrasing.

15 Q. Was another of the comments that the survey was
16 an artificial matching game?

17 A. Again, I don't remember the exact phrasing.

18 Q. Could have been?

19 A. It could have been.

20 Q. Okay. Was another of the comments that the
21 survey didn't measure real world confusion?

22 A. Again, it could have been, but I don't remember
23 the exact phrasing.

24 Q. Okay. Was another of the comments in that case
25 that you had excluded from your survey colorful

1 representations of the defendant's products and used
2 others instead as your -- your array materials?

3 A. Again, I -- I don't recall. But I do recall that
4 the court's opinion was critical. That decision was a
5 number of years ago, at this point.

6 Q. Okay. But you don't recall that one of the bases
7 of the criticism was that you had excluded colorful
8 products and instead used others?

9 A. I do remember that the court did not like the
10 product selection that I had used.

11 Q. Now, you did in this case a variety of internet
12 research, either directly yourself or having other
13 people do it for you?

14 A. That is correct.

15 Q. So you did some research on the internet and --
16 and the purpose of which was to look at the pricing of
17 KAH tequilas?

18 A. Well, that was some of the research that I did.
19 I did research beyond that. But, yes.

20 Q. I apologize if I -- I just want to take them one
21 at a time. So I wanted to start with you did some
22 research for -- directed at the pricing issue?

23 A. Correct.

24 Q. Okay. And -- and part of that research was to go
25 on to the internet and to pull down web pages that you

1 thought supported your view that -- that the price for
2 KAH Blanco put it into the premium category?

3 A. I didn't have the view about what the price for
4 KAH Blanco was so I wasn't looking for research that
5 supported it. I was looking for research that reflected
6 the pricing of KAH Blanco.

7 Q. Okay. Can we put up 684.

8 Do you remember in -- in -- as an exhibit to
9 one of your reports you -- and you can just page through
10 for a second -- you -- you admitted a collection of web
11 pages dealing with pricing?

12 A. Yes, sir.

13 Q. Okay. So let's go back to the first page.

14 Did you factor -- well, first of all, this
15 first page really doesn't have anything to do with the
16 pricing, does it, because it's looking at the
17 50-milliliter bottles, the little tiny guys, right?

18 A. No. I believe this page was looking at cross
19 selling between KAH and Crystal Head.

20 Q. Okay. And the cross selling that you're talking
21 about the section on the left of the page that says
22 customers who bought this also bought?

23 A. Correct.

24 Q. Okay. And the first item is KAH Reposado
25 tequila?

1 A. Correct.

2 Q. The second item Anejo tequila?

3 A. Correct.

4 Q. And the third item is Crystal Head vodka?

5 A. Correct.

6 Q. Is there any confusion reflected in those
7 internet entries as to the brand or the source of those
8 bottles?

9 A. I'm not sure what you're asking me.

10 Q. Well, if a person who looked at this page on the
11 web would see KAH Tequila and Crystal Head vodka,
12 wouldn't they?

13 A. They would.

14 Q. And if you would go to the third page, this is a
15 KAH Blanco bottle. And flip around to the next one, and
16 at the bottom of this next page is a whole long
17 description, which I won't take up a lot of time
18 reading. But it -- it says that KAH Tequila Blanco
19 bottle was inspired by traditional calaveras, skulls
20 made from sugar, which are used in the Day of the Dead
21 ritual to symbolize death and rebirth. Then it does on
22 from there.

23 Do you see that?

24 A. Yes, sir.

25 Q. Okay. And let's go to the next page. This page

1 which you -- you -- you took this down from the internet
2 and -- and submitted it as an exhibit to your -- to one
3 of your reports, didn't you?

4 A. Yes.

5 Q. And this one also has the three KAH bottles, and
6 they're clearly labeled that they're KAH Tequila. It's
7 not Crystal Head and not Globefill?

8 A. They're clearly labeled as KAH Tequila.

9 Q. Okay. So let's go to Exhibit 754.

10 THE CLERK: Excuse me, counsel. What's the
11 exhibit number?

12 MR. RAFFERTY: 754.

13 THE CLERK: Thank you.

14 BY MR. RAFFERTY:

15 Q. This is again materials that you collected from
16 the internet and submitted as part of your reply and
17 additional survey?

18 A. Correct.

19 Q. Okay. And this too, if you look at it, shows KAH
20 Tequila bottles and it shows a Crystal Head vodka
21 bottle, and they're all properly labeled with what they
22 are.

23 A. They're all labeled. Yes, sir.

24 Q. Are they labeled correctly?

25 A. Yes, as far as I know.

1 Q. And doesn't seem to evidence any confusion on the
2 part of whoever created this web page, does it?

3 A. They're not mislabeled, if that's what you're
4 asking me. I don't know whether someone would be
5 confused based on this or not.

6 Q. Okay. Let's go the -- two pages in. So 7543.

7 THE COURT: 743?

8 MR. RAFFERTY: 754 Exhibit, page 3, Your
9 Honor. Sorry.

10 Q. And this one is a -- looks like it's an offer for
11 a 50-milliliter KAH Anejo bottle. And on the right-hand
12 column it says you may also like. And that -- could you
13 blow that up.

14 And there's Crystal Head vodka bottle at the
15 top. And is it appropriately labeled?

16 A. It's -- it's labeled. It's labeled as Crystal
17 Head.

18 Q. So it's correctly labeled as Crystal Head?

19 THE COURT: I don't know that that witness
20 could tell us whether it's correctly labeled or not.
21 But he --

22 MR. RAFFERTY: Okay. Your Honor, I'll
23 withdraw the question and I'll move on.

24 THE COURT: It is so labeled.

25 How much longer does counsel expect to be on

1 cross?

2 MR. RAFFERTY: Another ten minutes, Your
3 Honor.

4 THE COURT: All right.

5 BY MR. RAFFERTY:

6 Q. So let me short circuit this. If you could go to
7 Exhibit 754, page 6. This is a page that has a Crystal
8 Head vodka bottle on it. And then the customers who
9 bought this product also bought -- it has the smaller
10 Crystal Head, and then the second item is the Patron
11 Silver. Do you see that?

12 A. Yes, I do.

13 Q. Okay. So those -- now, if you can go to 754, 12.
14 This is a -- it looks like an offer to buy a 12-pack of
15 Crystal Head vodka by Dan Aykroyd, 50-milliliter bottle.

16 Do you see that? It's in the text at the
17 top.

18 A. Yes.

19 Q. And then it goes on. If you skip a little bit it
20 says: Brought to us by Dan Aykroyd, known for his
21 fascination with the invisible world. Crystal Head
22 vodka ties in the story of the 13 crystal heads that
23 have been unearthed at various times --

24 A. Yes, sir.

25 Q. And this was again, you're looking at this for

1 the cross marketing issue, right?

2 A. Yes.

3 Q. And down below we also suggest there's two
4 Crystal Head vodkas, and then there's a KAH Day of the
5 Dead Reposado 50-millimeter 3-pack, along with a KAH Day
6 of the Dead Blanco tequila 750-milliliter.

7 Do you see any confusion on this page?

8 A. Well, I didn't measure confusion so I don't know
9 whether someone could look at this page and -- and, for
10 example, come to a conclusion that Crystal Head and KAH
11 are made by the same company or are in some way related.
12 They're all labeled. But I don't know whether or not
13 it's confusion -- confusing. I didn't measure it.

14 Q. Okay. So could we go to 754, 17. And if you
15 could blow up the text underneath the -- no, the lower
16 text. Sorry. The two lower ones.

17 It says Crystal Head vodka is probably the
18 best known of the bottles we're talking about today,
19 co-founded by Dan Aykroyd and manufactured by Estates
20 Wines & Spirits, LTD. Crystal Head is probably more
21 famous for its bottle than the vodka it contains.

22 Do you see that?

23 A. Yes, sir.

24 Q. And then if you could blow up the text that
25 follows the KAH Blanco bottle.

1 It says on the opposite side end of the
2 design spectrum from the crystal skull are the
3 hand-painted skull bottles from KAH Tequila designed
4 to -- designed to -- and then it -- there's a miss -- a
5 typo. Dead celebration. Every bottle is hand crafted
6 because each bottle is done by hand. No two bottles
7 will ever look exactly alike. KAH -- and the final bit
8 is KAH is the Mayan word for life.

9 Do you see that?

10 A. Yes, sir.

11 Q. And this is all information that you took down
12 off the internet?

13 A. Yes.

14 Q. And if you go to 754, 18, this is a picture at
15 the top of the page of -- the text underneath says KAH
16 comes in three different varieties, and then there's a
17 picture of the three varieties.

18 Do you see that?

19 A. Yes.

20 Q. Okay. And let me see if I can -- you know,
21 you -- you used a number of slides -- and why don't we
22 put up Slide 27.

23 And in Slide 27, you said that vodka and
24 tequila can be sold by the same companies. Do you see
25 that?

1 A. Yes.

2 Q. Okay. And you also had two slides that I don't
3 think counsel used in your direct, but they were given
4 to us last night, 36 and 37.

5 You can take this one down.

6 36 and 37.

7 And the slide title -- and this is a slide,
8 by the way, that you worked with your counsel for
9 Globefill in preparing?

10 A. Yes, sir.

11 Q. Okay. And the slide caption says some bottles
12 show the manufacturer.

13 Do you see that?

14 A. Yes, sir.

15 Q. What did you intend to convey by putting those
16 words there?

17 A. Well, if you look at the top bottle, it's Ultimat
18 vodka. It's made by the Patron Spirits Company.

19 So this goes to the earlier point that
20 someone who concludes that a vodka and a tequila come
21 from the same company is concluding something that is
22 not unusual and is not a crazy idea, and in some cases
23 would be reenforced perhaps by bottles that they had
24 previously seen in the marketplace. So a consumer who
25 knows that Ultmat -- a consumer could easily find out

1 that Ultmat comes from the same source as Patron Silver.
2 A consumer could find out that Don Julio -- it's hard to
3 read. But that Don Julio bottle on the bottom comes
4 from a company called Diageo. And Diageo make Smirnoff,
5 among other vodkas.

6 So it's reasonable for a consumer to know
7 that vodkas and tequilas, in many cases, come from the
8 same companies. And in many of those cases, those are
9 the best known or highest selling vodkas and tequilas in
10 the marketplace.

11 Q. And one way they could know that was by looking
12 at the label?

13 A. Correct.

14 Q. Okay. And in fact a consumer who had any
15 question at all about whether KAH Tequila was made by
16 Globefill or by Crystal Head could resolve that
17 confusion by just looking at the label, couldn't they?

18 A. They could look at the label. And I don't know
19 whether that would resolve or not resolve the confusion,
20 but they could certainly look at the label.

21 Q. Well, why don't you pick up the KAH bottle. On
22 the cap it says KAH Tequila on the top of the cap,
23 doesn't it?

24 A. You mean on the neck label?

25 Q. On the neck label. Okay. And then if you go to

1 the back there's a label, isn't there?

2 A. There is.

3 Q. And it says that it's produced and bottled by
4 Fabrica de Tequilas Finos, and it gives an address in
5 Mexico, doesn't it?

6 A. It does.

7 Q. And it then says it's imported by Worldwide
8 Beverage, Inc., doesn't it?

9 A. Mine is hard to read, but I'll take your word
10 that it says that.

11 Q. And if you take out the -- you've got the Crystal
12 Head bottle up there. We don't want to neglect them.
13 Back of the Crystal Head bottle it says Crystal Head
14 vodka, product of Canada, doesn't it?

15 A. Yes, sir.

16 Q. Okay. It also says Crystal Head on the cap?

17 A. Yes, sir.

18 Q. And one side labeled on the base of the skull is
19 the government warning. And the other label on the base
20 of the skull says distilled from grain. Sold U.S.
21 Importer Wilson Daniels Limited, St. Helena, California,
22 produced and barreled in Canada for Globefill, Inc.,
23 doesn't it?

24 A. I'm having troubling reading mine. But -- but
25 I'll take your word that that's -- that's what it says.

1 Q. Okay. So a consumer who had any question at all
2 as to whether these bottles were from the same source
3 could solve that question by simply reading the bottles?

4 A. If they bothered to read the bottles. And if
5 they could read the bottles and if they concluded based
6 on reading the bottles of what you just read to me, that
7 might -- or it might resolve their confusion, that's
8 correct.

9 Q. And it would tell them who the -- what the brand
10 was, who the importer was, and who the manufacturer was,
11 wouldn't it?

12 A. Not in every case.

13 Q. And the cases that we just looked at would tell
14 them, wouldn't it?

15 A. Well, you're an attorney and you're reading the
16 labels to me. Not every consumer is going to read these
17 labels like an attorney. And even some consumers who
18 read them might not understand them.

19 So you're correct that some consumers will
20 read the labels, others will not. Some will understand
21 the labels that they've read and come away with the
22 understanding that these are separate companies. Others
23 may not.

24 Q. When you did your Eveready survey and you got
25 written comments back from the people who had been given

1 the opportunity to hold the KAH Tequila, the Blanco
2 bottle, didn't some of them say it's KAH Tequila, it
3 says so on the label?

4 A. Yes.

5 Q. They read the label, didn't they?

6 A. That's correct. Not everybody was confused in
7 the survey. That's correct.

8 Q. But some of the people who weren't confused
9 weren't confused because they took the simple expedient
10 of reading the label?

11 A. I don't know that that's the simple expedient.
12 These two companies have invested a lot money in
13 unusually shaped bottles, and those bottles communicate
14 a lot of the marketplace. And some people are visual
15 and some people are verbal, and some people will read
16 and some won't. And some will understand it.

17 Q. Okay. I'll ask you one last question. In the
18 Eveready study that you conducted, you thought it was a
19 well-structured Eveready study, didn't you?

20 A. I thought it was well structured but
21 inappropriate for the context.

22 Q. Okay. But the actual structure of the survey was
23 well done, in your opinion?

24 A. Though inappropriate, yes, well done.

25 Q. Okay. And in that survey, numbers of people got

1 the affiliation of KAH Tequila correct, and they
2 expressly said in their written comments that they did
3 so on the basis of having read the label; isn't that
4 right?

5 A. Some people did that, that's correct.

6 MR. RAFFERTY: I have no further questions,
7 Your Honor. Thank you.

8 THE COURT: Redirect.

9 **REDIRECT EXAMINATION**

10 BY MR. FAY:

11 Q. Dr. Isaacson, we're almost done here.

12 The case Tokey Dokey, the survey that you
13 did here, was that exactly like the one you did in that
14 case?

15 A. It was not exactly and not at all like the one I
16 did in that case. I did that --

17 Q. So the survey in Tokey Dokey was different than
18 the one you did here?

19 A. Correct. I did the Tokey Dokey survey nine years
20 ago, approximately, and the court criticized the format,
21 and I learned some things from that format, and those
22 are reflected in this survey.

23 Q. Okay. So the survey you did in this case
24 reflects some changes based on criticisms from Tokey
25 Dokey?

1 A. Correct. Based on things the court said, I
2 learned not to do that. And I -- this was a different
3 form. This was a different structure than Tokey Dokey.

4 Q. Why is it inappropriate to use all three of these
5 bottles in your Squirt survey?

6 A. There's -- there's a few reasons. Remember what
7 the survey is doing. It's replicating a scenario where
8 someone encounters KAH amidst other tequilas after
9 they're aware of or they see Crystal Head.

10 And we don't need all three of those bottles
11 in order to replicate that. We only need a single
12 bottle, I picked what I believed to be the highest
13 selling bottle to replicate that.

14 Had I included all three or two of those KAH
15 bottles in the lineup, that might have increased the
16 numbers because now there's more KAHs to pick from than
17 if I just have a single bottle.

18 There's an infinite number of arrays that I
19 could have set up in the research, but I felt that the
20 arrays that I did set up were the most appropriate ways
21 to represent KAH in a format that for most consumers is
22 probably the format in which they're going to purchase
23 it. And I only need a single bottle to do that.

24 Q. Okay. And was it unfair to use KAH Tequila and
25 Crystal Head vodka in your survey?

1 A. No. My survey replicates -- it's a little
2 miniature environment to replicate the marketplace, and
3 I used the only two skull-shaped bottles that I was
4 aware of at the time in the marketplace.

5 Q. Okay. And was it unfair that your qualified
6 participants might have thought that these two products
7 were related?

8 A. No, I didn't test that color of KAH bottle.

9 Q. Sorry. Do it again. Okay. Was it unfair that
10 some of your qualified participants thought that these
11 two bottles were related?

12 A. No. Any suggestiveness in the survey is
13 reflecting the suggestiveness in the marketplace. It's
14 what you see when you go into a store. And these two
15 products are both in the same store.

16 Q. Could you put up Slide 12.

17 Dr. Isaacson, when you look at the results
18 from your Squirt survey -- let's look, for example, at
19 Control 1, and you have 24.8 percent of your qualified
20 participants demonstrating some kind of confusion.

21 What does that tell you about your control?

22 A. It tells me that my control has elements from the
23 original, and those original from the original are
24 causing people to make a connection.

25 And remember, the purpose of the control is

1 to remove everything except that which is of interest
2 here. And what's of interest here is KAHs use of a
3 skull-shaped bottle. So you would expect to see the
4 controls having non-zero confusion.

5 These are not particularly high numbers for
6 controls. Numbers like the numbers I was looking at
7 are -- are routine -- these are relatively routine
8 numbers for controls. And the fact that these controls
9 have elements from the original are why you're picking
10 up some confusion on them.

11 Q. Okay. And -- and you subtracted these responses
12 to your controls from your ultimate data; is that right?

13 A. That is correct.

14 Q. So you take the gross confusion you saw of KAH
15 and then you subtract these numbers from it?

16 A. Yes. I took the -- let me be more specific. I
17 took the 58.7 percent, and in the Control 1 calculation
18 I subtracted the 24.8 percent.

19 So had that 24.8 percent been lower than the
20 net number that we ended up with at the end of the
21 survey would be even higher than it is now.

22 These are actually what I would call
23 conservative controls because they're picking up some
24 confusion. You want your control to pick up some
25 confusion in a study like this so that you know that all

1 you're left with at the end of the day is the confusion
2 that is specific in case to the use of a skull-shaped
3 bottle.

4 Q. That, Dr. Isaacson, is what we see on this slide
5 as net confusion?

6 A. That's correct. So if we take the left-hand
7 column, we've got the 58.7 and we're subtracting from
8 that the 24.8 percent. So -- and we end up in this case
9 with for Control 1 with 33.9 percent.

10 Had the confusion for the control been
11 lower, then we would have been subtracting a smaller
12 number and those net numbers would all be higher.

13 So again, this is a conservative element of
14 the research the fact that the controls are picking up
15 and removing some of the confusion from the marketplace.
16 That's what they're supposed to do.

17 MR. FAY: Okay. Thank you, Dr. Isaacson.

18 THE COURT: May the witness be excused?

19 MR. FAY: Yes, Your Honor.

20 THE COURT: No objection?

21 MR. RAFFERTY: No objection, Your Honor.

22 THE COURT: And no questions from the jury
23 apparently. The witness may be excused.

24 This is an appropriate time for us to take a
25 short recess at this point, and we will do so.

1 The jurors have expressed through the clerk
2 that they are willing to work longer today. That's what
3 the Court understands. And so what I will do is I will
4 talk with counsel about other witnesses that could be
5 called today. And depending upon how much time we would
6 need, then I may make the recess a little bit longer.

7 So I'll ask the jurors to just remain in the
8 jury room for a few minutes until I've had that
9 conversation, and I'll advise you if this should be a
10 longer recess. So for those of you who wish to get
11 something to eat, you will have time to do so.

12 We're in recess at this time for the jury.

13 THE CLERK: Please rise for the jury.

14 (THE JURORS EXIT THE COURTROOM.)

15 THE COURT: Okay. I think the jurors have
16 been excused. Counsel may be seated.

17 So counsel identified the witness Alvarez
18 that you intended to call today. Do you still intend to
19 call that witness?

20 MR. BERG: Please address the Court.

21 MS. BIVENS: Yes, Your Honor. Mr. Alvarez
22 is here in the hallway.

23 THE COURT: Okay. And the time estimate, as
24 I recall, was not a very long one. But give me the time
25 estimate again.

1 MS. BIVENS: For the plaintiff it should be
2 about 15, 20 minutes max.

3 THE COURT: And for the defense.

4 MR. HUMMEL: Ten minutes.

5 THE COURT: Okay. Ten.

6 MR. HUMMEL: Fifteen. Somewhere along that
7 line.

8 THE COURT: And then the other witness that
9 counsel was intending to call today, depending upon how
10 much time we had, we have a time estimate for that
11 witness as well. So I'll ask counsel, Mr. Aykroyd,
12 whether you are prepared to at least start in
13 examination of him today.

14 MR. BERG: Yes, of course.

15 THE COURT: Okay. And again, just refresh
16 my recollection as to your time estimate for direct and
17 cross.

18 MR. BERG: I hope this is the same thing I
19 said before. I think it's an hour and a quarter.

20 THE COURT: Okay.

21 MR. BERG: Or maybe an -- yes. I'll try
22 to -- Your Honor, I really do want to try to -- I keep
23 it that short. And then also we will reaffirm with the
24 Court that after Mr. Aykroyd, the plaintiff's case will
25 rest.

1 THE COURT: Okay. And the defense, your
2 cross-examination.

3 MR. HUMMEL: Yeah, I think it's going to be
4 an hour and a quarter also, Your Honor.

5 THE COURT: Okay. So if the jurors wanted
6 to stay to permit us to complete this examination,
7 Mr. Aykroyd's examination, they would be staying about
8 three hours past our time today. It's 1 o'clock now.

9 So I'll ask the clerk to inquire of the
10 jurors. If the jurors are willing to stay until four to
11 try to complete these two witnesses, do you wish to
12 place anything on the record concerning that, this is
13 the time to do so. I don't know how long they were
14 willing to stay. But the clerk advised me they said we
15 could stay longer today. So if they wish to stay
16 longer, that's fine with counsel? No problems? I'm
17 assuming no problems.

18 MR. BERG: No, Your Honor. No. Sorry.

19 THE COURT: Defense, no problem?

20 MR. HUMMEL: No, Your Honor.

21 THE COURT: Okay. Thank you. I'll tell the
22 clerk to tell the jurors that we could take other
23 witnesses today. The recess will probably be about
24 4 o'clock. If that's fine with them, then I'll make
25 this break a half hour instead of 15 minutes. Come back

1 at 1:30. Unless there were matters that counsel wished
2 to raise with the Court, then we'll take our break, and
3 the break will be between 15 and 30. So maybe the
4 better plan is just to have counsel wait here in the
5 courtroom, I think some of you, so you'll know is this
6 is a lunch break, 30 minutes or is it a 15-minute break.

7 We're in recess at this time.

8 MR. VERA: Thank you, Your Honor.

9 (LUNCH RECESS TAKEN.)

10 THE COURT: Thank you. Please be seated
11 next witness to be called.

12 MS. BIVENS: Your Honor, the plaintiff calls
13 Mr. George Alvarez.

14 THE CLERK: Please raise your right hand.

15 JORGE ALVAREZ,
16 called as a witness on behalf of the Plaintiff, being
17 first duly sworn, was examined and testified as follows:

18 THE WITNESS: I do.

19 THE CLERK: Please have a seat. State and
20 spell your name for the record.

21 THE WITNESS: Jorge Alvarez. J-O-R-G-E,
22 A-L-V-A-R-E-Z.

23 **DIRECT EXAMINATION**

24 BY MS. BIVENS:

25 Q. Good afternoon, Mr. Alvarez.

1 A. Good afternoon.

2 Q. Thank you for being here today.

3 Can you again introduce yourself to the jury?

4 A. My name is Jorge Alvarez.

5 Q. Go ahead.

6 A. That's it.

7 Q. And what's your current occupation?

8 A. I am the chief financial officer for a company
9 called Whittier Distributors.

10 Q. And what is Whittier Distributors?

11 A. We are a sub wholesaler of beer wine and liquor
12 beverages.

13 Q. Is Whittier Distributors affiliated with East
14 L.A. Wholesale Beverages?

15 A. We are doing business as East L.A. Wholesale.

16 Q. What exactly does Whittier Distributors, East
17 L.A. Wholesale Beverages do?

18 A. We service retail customers, stores, markets,
19 restaurants, nightclubs with beverages.

20 Q. Do they come to you to purchase the beverages?

21 A. Yes, they do. We are what they call a cash and
22 carry. So the customers call in or walk in and place
23 their Orders and we fill the orders and take them out to
24 the car.

25 Q. Who exactly are your customers specifically?

1 A. I can name some stores. We have -- Self Produce
2 is a market. Ramiro's Liquor Store. We have -- Legal's
3 Restaurant is a nightclub that -- I mean we have like
4 900 different customers.

5 Q. And how long has East L.A. Wholesale Beverages
6 been in existence?

7 A. It was founded in 1933, right after prohibition.
8 And it's been in business since.

9 Q. What are your responsibilities as chief financial
10 officer at East L.A. Wholesale Beverages?

11 A. My job there is to purchase the merchandise that
12 we sell from other wholesalers. And choose which
13 products we bring in. And the other part is to pay all
14 the bills, and make sure our money is correct.

15 Q. Okay. And so how long have you been with the
16 company?

17 A. I have been there since 1986. And -- I've been
18 working there.

19 Q. For about 31 years then?

20 A. Yes. I started June 26th of 1986.

21 Q. And how did you come to work at East L.A.
22 Wholesale Beverages?

23 A. I had another job, and my wife was wanting me to
24 leave that company that I was working for. And she
25 worked at East L.A. Wholesale. And she talked to her

1 boss and told her about me. And he interviewed me and
2 brought me onboard.

3 Q. What were you doing before that? What were the
4 specifics?

5 A. I was a security officer. And I worked my way up
6 to operations manager for a security company.

7 Q. Why did your wife want you to leave the security
8 business?

9 A. I got shot it. And she was kind of worried that
10 I would get hurt.

11 Q. So you went to work at East L.A. Wholesale
12 Beverages in 1986?

13 A. '86.

14 Q. What was your first position with the company?

15 A. I started off as a forklift operator and a truck
16 driver.

17 Q. And what were the positions that you held after
18 that?

19 A. From there I went to warehouse manager, cashier,
20 store manager. After that I went as general manager and
21 took the position of doing the IT at the store. And
22 after that I became the chief financial and operating
23 officer.

24 Q. So you worked your way up essentially?

25 A. Yes.

1 Q. Do you have any hobbies?

2 A. Bowling, golfing, playing around with computers.

3 Q. Let's talk a little bit about Crystal Head Vodka.

4 Are you aware of Crystal Head Vodka?

5 A. Yes, I am.

6 Q. How did you become aware of the product called

7 Crystal Head Vodka?

8 A. The rep, Ray Ramos, who worked for Young's Market
9 at the time brought it to my attention and asked me if I
10 would carry the product.

11 Q. So Ray Ramos -- now does he work for Young's
12 Market, you said?

13 A. I think he works for Infinium Spirits now.

14 Q. Do you understand the relationship between
15 Infinium Spirits and Crystal Head Vodka?

16 A. Yes.

17 Q. What is that relationship?

18 A. They represent the product. They call it the
19 supplier. They supply the product to Young's Market.
20 And from there -- we buy it from Young's Market.

21 Q. Just to make sure that I'm clear. So you said
22 Crystal Head Vodka is the supplier?

23 A. No. Infinium Spirits has the right to the
24 product. And they sell it to Young's Market. And from
25 there we buy it from Young's Market.

1 Q. So your store, East L.A. Wholesale beverages
2 actually purchases Crystal Head Vodka?

3 A. Yes.

4 Q. From a company that's affiliated with Ray Ramos?

5 A. Yes.

6 Q. So Ray Ramos came to you and spoke to you about
7 the Crystal Head Vodka?

8 A. He presented the product and told me -- actually
9 he brought it to my attention before it was even out
10 that they were going to acquire new product. And he'd
11 like me to carry it in our store and sell it.

12 Q. So did you decide to sell Crystal Head Vodka?

13 A. Yes, I did.

14 Q. How long have you been selling Crystal Head
15 Vodka?

16 A. You know, right now I couldn't tell you. That
17 information was burned up in a fire that we had in 2010.
18 Our business was shut down for two years. It was
19 completely burned down. And all the computer
20 information was lost.

21 Q. So when you first saw Crystal Head Vodka, did you
22 like the product?

23 A. Yes, I did. I thought the bottle was unique.
24 And the way Ray Ramos presented the product, explained
25 it to me, it seemed like it would be a good product to

1 bring in.

2 Q. What did you like about the bottle?

3 A. Well, I liked the skull shape. And I -- he told
4 me who was backing it financially. And I thought that
5 there would be plenty of advertising, you know, of the
6 product and it would be helpful to sell.

7 Q. And have you ever seen a skull-shaped bottle
8 before this?

9 A. No, no. That was the first one that I personally
10 had seen.

11 Q. When is the next time that you saw a product with
12 a skull-shaped bottle?

13 A. When I was, you know, checking out the industry
14 magazines. I think it was the BIN magazine or Beverage
15 Wolf. I couldn't remember exactly which one I saw a
16 tequila in a skull-shaped bottle, which is KAH Tequila.
17 And it caught my attention.

18 Q. So after you saw KAH Tequila, what did you do?

19 A. I placed a call to Ray Ramos and asked him why
20 hadn't he told me that Crystal Head had come out with a
21 new -- different type of spirit in a new bottle -- I
22 mean, a similar shape bottle, and like a line extension
23 of the product.

24 Q. So you thought KAH Tequila was made by Crystal
25 Head Vodka?

1 A. Yes.

2 Q. And you made a connection then between Crystal
3 Head Vodka and KAH Tequila?

4 A. Yes.

5 Q. And what was the connection that you made between
6 the two products?

7 A. You know, the similar shape skull. The bottle.
8 And it just seemed like to me was a logical conclusion
9 that somebody else would, you know, come with the line
10 extension which would be, you know, Crystal Head, with
11 the line extension of the product. And I thought it was
12 theirs.

13 Q. So you used this phrase "line extension" several
14 times. Can you explain to the jury what you mean by
15 line extension?

16 A. Let's say, for example, Seagrams. Seagrams had
17 come out -- I knew them as whisky. But they'd come out
18 with rum, flavored vodkas. And they'd continuously
19 expand their portfolio of products that they sell.

20 Q. So when you saw KAH Tequila you thought it was a
21 line extension the Crystal Head Vodka?

22 A. Yes. An expansion of the portfolio, you know,
23 like a Seagrams product.

24 MS. BIVENS: All right. Thank you. I pass
25 the witness.

1 THE COURT: Cross?

2 **CROSS-EXAMINATION**

3 BY MR. HUMMEL:

4 Q. Good afternoon, Mr. Alvarez.

5 A. Good afternoon.

6 Q. Do you know William Anderson, Bill Anderson?

7 A. Yes, I do.

8 Q. Who's Bill Anderson?

9 A. I knew him from Corona. He represented Corona,
10 which is a beer imported from Mexico.

11 Q. So at time that you were contacted and saw KAH
12 Tequila, you were familiar with Mr. Anderson, right?

13 A. Yes.

14 Q. And you knew that Mr. Anderson was working for
15 Infinium Spirits, right?

16 A. Yes.

17 Q. And you knew that Infinium Spirits represented
18 Crystal Head Vodka, right?

19 A. Yes.

20 Q. Now at the time -- you described -- withdrawn.
21 You described your store as a wholesaler?

22 A. Uh-huh. Yes.

23 Q. You're a wholesaler, correct?

24 A. Correct.

25 Q. You're sitting her today testifying in your

1 capacity as a wholesaler of alcoholic beverages, right?

2 A. Yes.

3 Q. Your job as a wholesaler is to buy from the
4 distributor and then ultimately sell to the other stores
5 the 900 customers that you described, correct?

6 A. Yes.

7 Q. And the first time that you saw Crystal Head
8 Vodka -- sorry. Withdrawn.

9 The first time you saw KAH Tequila was in a
10 magazine, right?

11 A. Yes.

12 Q. And therefore, you saw a picture?

13 A. Yes.

14 Q. You did not see the actual bottle?

15 A. No, I did not see the actual bottle.

16 Q. Okay. Now, you have now seen the actual bottle
17 of KAH Tequila, right?

18 A. Yes.

19 Q. And you agree that there are differences between
20 the Crystal Head Vodka bottle and the bottle of KAH
21 Tequila, right?

22 A. Yes.

23 Q. And you are personally not confused between the
24 two bottles, correct?

25 A. No, no.

1 Q. When you found out that KAH Tequila was not made
2 by Crystal Head Vodka, the same people that make Crystal
3 Head Vodka, you still made a decision to purchase KAH
4 Tequila, right?

5 A. Yes.

6 Q. And you stocked it in your store, right?

7 A. Yes.

8 Q. Now, do you know what the retail price of the
9 Tequila Blanco is?

10 A. No. Not off the top of my head, no.

11 Q. Do you know what the retail price is for the
12 Reposado?

13 A. No.

14 Q. Do you know what the retail price is for the KAH
15 Anejo?

16 A. No, I don't.

17 Q. Do you know what the suggested retail price is
18 for the KAH Tequila Extra Anejo?

19 A. No.

20 Q. Now, you used the word "natural extension"
21 several times in your testimony, right?

22 A. Yes.

23 Q. And the first time you got involved in this case
24 is when you were contacted by the lawyers from
25 Globefill, right?

1 A. Yes.

2 Q. And they asked you if you would sign an affidavit
3 in this case, right?

4 A. Yes.

5 Q. And they prepared an affidavit for you, right?

6 A. Yes. After phone conversations.

7 Q. And they brought the affidavit to you, I think
8 while you were on the golf course, right?

9 A. Yes.

10 Q. And you took a look at it as best you could,
11 right?

12 A. I read it, yes. I read the whole thing.

13 Q. And then you signed it, right?

14 A. Yes.

15 Q. And in that affidavit it does use the word
16 "natural extension," right?

17 A. Yes.

18 MR. HUMMEL: No further questions.

19 THE COURT: Redirect?

20 MS. BIVENS: Your Honor, may I ask you to
21 please explain to the jury what an affidavit or
22 declaration is?

23 THE COURT: I'm not sure that needs an
24 explanation. It doesn't necessarily have a legal
25 meaning.

1 But a declaration or an affidavit would be a
2 document that someone would sign. It has some content
3 indicating that you either declare or you agree or --
4 there's content in it. And at the end it may be signed
5 under penalty of perjury or not. Sometimes they are
6 signed under penalty of perjury, sometimes they are not.

7 But that would be my explanation for what an
8 affidavit or declaration is.

9 MS. BIVENS: Thank you, Your Honor.

10 **REDIRECT EXAMINATION**

11 BY MS. BIVENS:

12 Q. Mr. Alvarez, Mr. Hummel asked you about your
13 declaration. And you said that you remember reading it,
14 correct?

15 A. Yes.

16 Q. Have you read that recently?

17 A. Yes. It was presented to me again.

18 Q. When you read it the first time, did you make any
19 edits to it?

20 A. Yes, I did. The name was not complete, so I
21 filled it in and initialed it.

22 Q. You read it very closely?

23 A. Yes.

24 Q. Are any of the statements that you made in your
25 declaration -- how do I say this?

1 Would you change anything that you wrote in
2 your declaration?

| | | |
|---|----|-----|
| 3 | A. | No. |
|---|----|-----|

4 Q. When you asked "Were you on the golf course,"
5 where were you at?

6 A. I was playing at a charity golf -- charity golf
7 event that I was invited by one of the suppliers as a
8 thank you for doing a good job of representing our
9 product.

10 | Q. Okay. One more question.

11 So Mr. Hummel also asked you if are confused
12 between the two bottles.

13 A. No. There are the differences. One is painted,
14 one is not. One is clear. But that -- that didn't
15 change my thought about it being the same, you know,
16 same people making it, because of the bottle.

17 The bottle was unique at the time that it
18 was presented to me. And the uniqueness is what really
19 interested me in the product without tasting it.
20 Second, then afterwards, Ray Ramos tasted me on the
21 product. I found it good quality and brought it into
22 our store.

23 MS. BIVENS: All right. Thank you,
24 Mr. Alvarez. I really appreciate it.

25 THE COURT: May the witness be excused?

1 MS. BIVENS: Yes, Your Honor.

2 THE COURT: No objection by the defense?

3 MR. HUMMEL: No objection, Your Honor.

4 THE COURT: You are excused and free to
5 leave. Thank you.

6 Next witness to be called by the Plaintiff.

7 MR. BERG: Good afternoon, Your Honor,
8 members of the jury, counsel.

9 I call Dan Aykroyd to the stand.

10 THE CLERK: Please raise your right hand.

11 **DANIEL AYKROYD,**

12 Called as a witness on behalf of the Plaintiff, being
13 first duly sworn, was examined and testified as follows:

14 THE WITNESS: I do swear.

15 THE CLERK: Please have a seat. State and
16 spell your name for the record.

17 THE WITNESS: Daniel Edward Aykroyd.
18 A-Y-K-R-O-Y-D.

19 THE COURT: Counsel may proceed.

20 **DIRECT EXAMINATION**

21 BY MR. BERG:

22 Q. I don't know if it's necessary, but would you
23 please introduce yourself to the jury, sir.

24 A. Yes. Well, Dan Aykroyd. Just Dan or Danny. My
25 mother calls me Daniel. So that's me.

1 Q. Mr. Aykroyd, let me ask you a little bit about
2 your history.

3 Where were you born, sir?

4 A. I was born in Ottawa, Ontario, Canada.

5 Q. You're a Canadian citizen?

6 A. I am. 551 holder. I'm a resident alien here in
7 the United States. So Canadian citizen.

8 Q. Where do you have your residence, sir?

9 A. California.

10 Q. And can you tell the jury exactly where it is in
11 California?

12 THE COURT: Does Counsel -- are you asking
13 for an address or just the southern, northern?

14 BY MR. BERG:

15 Q. Could you give us an idea the subdivision you
16 live in?

17 A. Pacific Palisades.

18 Q. Thank you.

19 Do you live there with your family?

20 A. I do.

21 Q. Would you tell us, sir, are you a married man?

22 A. I am.

23 Q. Who are you married to?

24 A. Donna Dixon Aykroyd.

25 Q. Is this Donna Dixon here in the back of the

1 courtroom?

2 A. Yes. That young woman right there.

3 Q. How long have you and Donna been married?

4 A. 34 years.

5 Q. Do you and Donna have children?

6 A. Yes. Three daughters.

7 Q. Are some of your daughters here in the courtroom?

8 A. Two are.

9 Q. Could you tell the jury the ages of your
10 children?

11 A. Yes. I've got a 23 and a 19.

12 Q. And the third also?

13 A. The eldest is 27.

14 Q. Where do you spend the principal amount of your
15 time, sir. Strike that.

16 Do you have another residence, sir?

17 A. Yes. In Canada.

18 Q. Where do you spend the principal amount of your
19 time?

20 A. It's half and half. But lately more at the old
21 farm at Canada.

22 Q. And why have you spent more time up there of
23 late, sir?

24 A. Well, I'm graced with two parents who are
25 elderly. My mom's going to be 99 in April. My dad's

1 going to be -- or was 95. And I run their care for
2 them. I run the rotating care. I'm their primary care
3 giver for 24-hour help. And their minds are good and
4 it's so enjoyable to be with them. It's really fun.

5 Q. Can you tell me a little bit about your
6 educational background. Where did you attend elementary
7 school?

8 A. Our Lady of the Annunciation Elementary School in
9 Hull, Quebec.

10 Q. Where?

11 A. Hull, Quebec. That's the town across from
12 Ottawa. There's the twin -- as you would say, twin
13 cities, Ottawa, Hull, twin provinces, Ontario, Quebec,
14 side by side. The French Province and the English
15 Province. And we lived in Hull after I was born.

16 Q. What kind of -- how would you describe your
17 family background, if you would, sir?

18 A. Would you like me -- I'm sorry. Education, I'm
19 not sure whether I finished.

20 Q. I know. I was going to come back to it. But go
21 ahead. Tell us where you went to high school.

22 A. Just to get all of them. So as I remember,
23 elementary school was Our Lady of the Annunciation.
24 High school was St. Pius X. Minor Preparatory Seminary
25 for Boys. And then final high school was at St.

1 Patrick's School Educational High in Ottawa. Both the
2 latter in Ottawa.

3 Q. You were in seminary?

4 A. Yes.

5 Q. Were you considering the priesthood?

6 A. For a few minutes.

7 Q. Where did you go -- you didn't finish at the
8 seminary, I take it?

9 A. I did not finish at the seminary, no. I went to
10 a coeducational school after that.

11 Q. Did you obtain a college degree, sir?

12 A. No, sir.

13 Q. Did you attend college?

14 A. For three and a half years.

15 Q. While going to school -- and I'm going to take
16 you back to high school -- did you maintain employment
17 to -- to supplement your income?

18 A. I did.

19 Q. And could you tell the jury what age you were
20 when you had your first job and what the job was.

21 A. I started at the Canadian National Railway, 14,
22 15 years old. I was a warehouseman. I unloaded box
23 cars.

24 Q. And I kind of lost a word there. Did you say the
25 Canadian Railway?

1 A. Canadian National Railway, yes. CN Rail.

2 Q. What did you do after that?

3 A. I worked for the Department of Transport as an
4 airport runway load technician. And then I went on to
5 work for the Canadian Penitentiary Service as a clerk 5.
6 I wrote a manual for correctional workers, the
7 employment manual.

8 And then after that I worked for the
9 Department of Public Works as a road surveyor. And I
10 was promoted to assistant mechanic on the Tundra
11 Crawlers. That's the flex drive vehicles. We had to
12 fix them a lot. And so I was assistant mechanic.

13 By the time I left college, I was driving
14 full time for Rod's Service, a mail contractor, as a
15 royal mail courier truck driver. And then subsequently
16 went to Toronto and worked for Bacon Brothers, another
17 mail hauler, hauling royal mail.

18 Q. In that period of time, were you a member of any
19 union?

20 A. Yes, sir. I was proud to have been one of the
21 last members of the Letter Carriers Union of Canada, and
22 then the Canadian Unit of Postal Workers, at the time
23 that I was working for the mail haulers.

24 Q. To carry you forward in point of time, are you
25 still a union member?

1 A. Multiple unions, yes.

2 Q. Would you tell us what those are?

3 A. The Association of Canadian Television Radio
4 Artists. The American Federation of Television and
5 Radio Artists Screen Actors Guild. The Writers Guild of
6 America, Directors Guild of America. And the American
7 Federation of Musicians Union, Memphis Chapter.

8 Q. Why the Memphis chapter, out of curiosity?

9 A. Well, because I had an incredible base player in
10 Blues Brothers Band. His name was Donald "Duck" Dunn.
11 He played all the sax folk records. He was Otis
12 Redding's guitar player. And he got me into the Memphis
13 union. He got me my card, because he was in my band.

14 Q. Mr. Aykroyd, we know you've had a career in
15 entertainment. Could you give us an idea how that came
16 about?

17 A. Well, I performed in high school and college. In
18 1969 I went to Toronto to work with Lorne Michaels on a
19 television special. Kind of got bit by the show biz
20 bug. And left the potential career in corrections and
21 deviant psychology behind and went into show business
22 permanently as an announcer at a TV station in Toronto.

23 Q. You mentioned Lorne Michaels. You're speaking of
24 the producer of Saturday Night Live?

25 A. That's correct.

1 Q. When you knew him -- did you say in '66?

2 A. '69.

3 Q. How did you know Mr. Michaels in '69?

4 A. I auditioned for a role on his television program
5 that he was producing at the time.

6 Q. Where was that?

7 A. At CBC in Toronto.

8 Q. Let me bring you forward in point of time. Did
9 you do a stint at Second City? If you did, please tell
10 the jury what that is.

11 A. Sure. Second City is a live cabaret. It's an
12 improv theater. And I worked there from about 1971 to
13 '74.

14 Q. Where is it, sir?

15 A. Well, there's two of them. One in Chicago where
16 it was founded. It's an offshoot of the Compass Players
17 in Chicago. It started as a WPA program in the '30s,
18 interestingly enough. And then there's a shop in
19 Toronto where I came out of. So there's two franchises.
20 I worked in the Toronto office.

21 Q. And did you work with others who you would work
22 later -- with later in life?

23 A. Oh, sure, yes, uh-huh.

24 Q. Tell the jury who was there with you.

25 A. John Candy, Gilda Radner, Eugene Levy, Catherine

1 O'Hara.

2 Q. I guess for the younger people in the room, tell
3 us a little bit about who those -- where you worked with
4 those people.

5 Start with Gilda Radner.

6 A. I worked at Second City with Gilda. And then we
7 went on to Saturday Night Live together. And John Candy
8 and I did films together. And Gene Levy and I also
9 worked in film. And Catherine O'Hara worked on stage
10 with me, and -- they were my colleagues at the time.

11 Q. When did you first join Saturday Night Live?

12 A. It was September 1975.

13 Q. And who contacted you to be part of that show?

14 A. Lorne Michaels.

15 Q. And was that the premiere year of Saturday Night
16 Live?

17 A. It was.

18 Q. And were you a permanent cast member for some
19 time?

20 A. Yes.

21 Q. And from when till when?

22 A. Until the -- basically the summer of 1979. Well,
23 we finished in '79. In the autumn, I left in -- after
24 four years. '75, '6, '7, '8, '9, we're done -- done
25 with the show and moving on to other things.

1 Q. In 1979, did you have a chance to meet John
2 Alexander?

3 A. Yes.

4 Q. And can you tell us the circumstances under which
5 you met him?

6 A. We were introduced by a mutual acquaintance.

7 Q. Would that be the woman he spoke of in his
8 testimony?

9 A. Yes.

10 Q. So it's true, this man, this balding man over
11 here stole your girlfriend; is that correct?

12 A. He did.

13 Q. What happened between the two of you?

14 A. Well, after we were introduced, we kind of fell
15 in love as friends, you know. And we became very close.
16 And as Rosi has said to us subsequently, Well, at least
17 you have each other.

18 Q. Rosi is the woman who introduced you?

19 A. Yes.

20 Q. You still remain friends with her?

21 A. Yes. A wonderful lady. Certainly.

22 Q. Let me ask you: Over the years, did you follow
23 John's art career?

24 A. I did.

25 Q. Did your friendship deepen?

1 A. It did.

2 Q. And could you tell us a little bit about what you
3 observed about his art career?

4 A. His talent, his skill, his knowledge of art.
5 Knowledge of art history. His commitment to his work.
6 His originality. And the dynamism and wonderful color
7 and motion in his painting. He's really quite a
8 spectacular artist. And his work can be seen on
9 electronic media after this is all over, or in his book,
10 John Alexander, very impressive. One of the great
11 painters of our time.

12 Q. Have you collected his work?

13 A. Yes, I have several pieces I'm privileged to say.

14 Q. And have you seen his work in museums?

15 A. Yes, I have.

16 Q. Could you give us an idea some museums that have
17 acquired his work?

18 A. I saw his work at the Corcoran Museum in
19 Washington, D.C.; at the Smithsonian Museum, the western
20 wing. He also has a piece at the Metropolitan Museum of
21 Art, the Houston Museum of Art.

22 I've seen the Houston piece and the Corcoran
23 piece and the Smithsonian piece. The Metropolitan
24 Museum of Art piece, they must have it in the basement
25 there somewhere. But time to haul it out. I haven't

1 seen that one.

2 Q. It goes without saying that I take it that you
3 respected his art skills?

4 A. Unquestionable.

5 Q. Would you take us to the night that he described
6 where the two of you first discussed the notion of
7 selling alcohol in a skull-shaped bottle?

8 A. Yeah, sure. We went out to dinner and I was so
9 excited about this new Patron product.

10 Q. Can you tell us about when this happened?

11 A. February '05, '06. I'm thinking '06, you know,
12 again. February '05, '06. We went out to dinner. I
13 was looking to show him this beautiful new beverage that
14 we were bringing into Canada, Patrón XO. It's a cafe
15 tequila. It's a beautiful product. And I was looking
16 around in Manhattan to find a bar room. Found it. Had
17 a few shots of it. He was impressed by it. And then
18 went to his house after that.

19 Q. How did the subject come up?

20 A. I was telling him how excited it was to work with
21 John Paul DeJoria to bring Patron Tequila into Canada.

22 Q. Let me stop you there. Tell the jury who John
23 Paul DeJoria is. And if you will, I'll ask you a
24 question after that.

25 A. John Paul DeJoria is an entrepreneur. He owns

1 Paul Mitchell Hair Systems. He owns Patron Tequila.

2 And simply because I wanted a better
3 Margarita at the dock in the summer, I wanted to bring
4 Patron into Canada. I love its beautiful smoky silver
5 aroma. So I worked to bring it into the country.

6 He said, Well, Dan, you can't just bring it
7 to your home town down at the dock. You've got to bring
8 it to the whole country. So we worked together to bring
9 it into the country.

10 And he granted me the commission of the
11 importing license for Patron to Canada. Now it's the
12 No. 1 luxury tequila in the country.

13 Q. You were telling John about this?

14 A. Yes. I was relating how exciting it was to work
15 with JP and have all these new products. And he
16 responded, Well, I've always wanted to see a
17 skull-shaped bottle with a tequila in it.

18 And I thought, skull-shaped bottle, that's a
19 great idea.

20 When I responded to him, I said, I couldn't
21 do tequila because I do Patron into Canada. I wanted --
22 it would be disloyal to JP if I was coming up with my
23 own tequila. There's no way I could do that.

24 Q. Because he has Patron in the United States, a
25 tequila?

1 A. He had Patron in the states. And that would be a
2 conflict. And he'd been so good to me, I could not be
3 disloyal. I said, I won't put a tequila in that. But I
4 think I know what I'd put in it. My mind is worrying.
5 And I'm thinking that I was coming up with the idea just
6 as he mentioned it.

7 I said, Well, John, maybe draw that up
8 sometime, that bottle. I turned out to the blowing snow
9 on the windows over Broadway there, and looked out for a
10 second and looked back and in two-minutes he had
11 sketched up essentially our skull bottle on a piece of
12 paper with a charcoal.

13 I looked at it. I said, this looks like a
14 Mitchell Hedges' skull, one of the 13 crystal heads. I
15 said, I know exactly what to put in it. He said, What?
16 We won't do tequila. We won't do tequila, but we'll do
17 a stripped down, no additive vodka.

18 I've been researching vodka. I did not like
19 the smell of some vodkas. You open them up, they smell
20 like Chanel No. 10. That's because they put a fragrance
21 in there called lemony. I did not like the sweet kind
22 of over-sucrose taste that you get in a lot of vodkas.
23 That's because they put in fatty acid, a lipid, a
24 glyceride. We all have it in our body, but these are
25 put in as a sugar additive. And then sometimes they put

1 straight cane sugar right in there.

2 I said, We'll do a pure spirit. And we'll
3 put it in this beautiful Crystal Head bottle, which
4 we'll sell our story of enlightened drinking, of purity
5 and cleanliness, because the crystal heads were used by
6 the Mayan, the Aztec and the Navajo in legend as scrying
7 devices, crystal balls, if you will, or devices to
8 advance the tribe in a positive manner.

9 I thought, We'll take these positive
10 elements of the story and basically imbue them into the
11 fluid we're going to make.

12 Q. Did you set about the business of creating the
13 bottle?

14 A. At that point, immediately we got going.

15 Q. And what did that consist of?

16 And I want to ask you, because it is a
17 little confusing, you were creating the bottle, and you
18 were seeking out the proper distiller; is that correct?

19 A. Well, we worked on the bottle first. I took that
20 original drawing. I said, John, do more.

21 At some point he came up with the sculpture
22 and then more detailed drawings.

23 I took it to our -- to a wine company that I
24 was working with in Ontario, and I took it to a couple
25 of people there. There were some skeptics about it

1 couldn't be done. Too expensive, too -- the engineering
2 on it. No. I stayed on it. Stayed on it.

3 And the company agreed, Well, yeah, we'll
4 help you find some -- the glassmaker. And then we began
5 to simultaneously in parallel the concept of the fluid
6 as the bottle began to come together.

7 Q. Did John produce few or many sketches of the
8 bottle?

9 A. Many sketches.

10 Q. Did he send them to you?

11 A. Oh, yes.

12 Q. Did the two of collaborate on the bottle?

13 A. We did.

14 Q. What were your concerns? What is that you
15 wanted -- you've told us what you wanted to put in it.
16 What did you want to do with that bottle?

17 A. We wanted it to look beautiful. We wanted it to
18 have a smile. We wanted it to convey the image of
19 purity and cleanliness and no additives.

20 So, again, we went with the Crystal Head
21 legend. And we wanted it to just look aesthetically
22 pleasing all the way around. And that's what I
23 collaborated with him on.

24 Q. What did you -- strike that.

25 How did you go about finding a bottle maker?

1 A. I went to a trade show, the World Spirits and
2 Wine Show in Florida, and we looked at a few bottle
3 makers, and eventually settled on a company in Italy
4 called Bruni Glass. They have been around since the
5 1950s and they do sophisticated pieces of work like
6 this. They're the only company in the world that really
7 could do it.

8 Q. Did you talk to other bottle companies too before
9 deciding on Bruni?

10 A. We did. But no one could have handled the
11 complexity of this particular model.

12 Q. When you say "We did" -- you were personally
13 involved in this search, I take it?

14 A. Yes. Myself and an executive who no longer works
15 with us.

16 Q. And tell us a little bit about the process of
17 going from sketches -- you told us a little bit about
18 it -- to the modeling to the bottle itself.

19 A. Well, we got the sketches. We got the model.
20 And then in order to cut a mold -- for a bottle you need
21 a mold. You need a steel mold. Usually they're made
22 out of steel. And they're cut by laser. And you need a
23 precise software program to do that, for the lasers to
24 cut this mold.

25 | So what we did was we translated John's

1 designs into a schematic on AutoCAD, the computer system
2 that is used in design. And we had an operator in L.A.,
3 Los Angeles. He worked at Warner Brothers, this kid,
4 very talented. He's deceased now. But we worked with
5 him. And he came up with an AutoCAD design. We were
6 then able to take that computer design, give it to
7 Bruni. They inserted it into their hardware and
8 software platform and then cut the mold. And from that
9 mold, we were able to begin to build bottles and test
10 the firing of them to see whether we really had a
11 feasible product here or not.

12 Q. When did you determine whether you had a feasible
13 product or not? Do you have an idea along this time
14 line?

15 A. Well, it would have been around 2007 that we
16 finally had the glass we needed. After 400 -- we had to
17 run 400 bottles. They were melting, and you know,
18 breaking up and cracking, and were all kinds of
19 problems. But then we got it right. And here we are.
20 You know, 11 million sold around the world. And they've
21 held up. And they'd be a terrible Molotov cocktail
22 because they just don't break.

23 Q. Mr. Aykroyd, do you remember when you first saw
24 the bottle, when you first held it?

25 A. Yes. It would have been in '07. Probably summer

1 of '07, I think.

2 Q. What was your reaction when you saw it?

3 A. Very pleased. Very satisfied. So happy with the
4 result. And just thrilled with how it looked.

5 Q. I take it you had concerns that it come out
6 right?

7 A. Oh, at the price point that we were expecting to
8 sell this premium luxury product, it had to be right.

9 Q. Now, I'd like to take you back. Tell us a little
10 bit about what efforts, if any, you personally made
11 regarding the distillation of the vodka itself.

12 A. Well, sure. You know, vodka's an old Russian
13 word for water. Great vodka starts with water. Clean
14 water.

15 We sourced water in Newfoundland, Canada.
16 Newfoundland is a province that joined Canada in 1949.
17 And there's water there under the province. It's a deep
18 glacial lake. We decided we were going to use the most
19 beautiful, pristine sweet water that we could, never
20 touched by pollution, the acid rain of the '70s.

21 The still where we make the product is the
22 Newfoundland Liquor Distillery Corporation. It's the
23 last state-owned still in the world. It's owned by the
24 province, the government of Newfoundland and Labrador.
25 It sits right above this beautiful glacial lake.

1 So here we had incredible manufacture
2 possibilities. We had great water. And we had a
3 government facility where quality could be absolutely
4 assured when it came time to build our final product.
5 So we settled on that distillery.

6 And then I worked with them to strip out the
7 fusel oils that I mentioned, the lemony, the glyceride
8 and all the sugars. And we worked with them to come up
9 with a mash and a formula that just simply met the taste
10 profile that we wanted.

11 Q. Did you have to do that -- to get to the
12 distillation that you wanted, was that an easy process?

13 A. No. Well, they expressed a little concern that
14 we were taking the fusel oils out, because -- you see,
15 these oils are there to mask the smell and the fragrance
16 of alcohol. I don't mind the fragrance or smell of
17 alcohol. We are in the alcoholic beverage business. If
18 it's clean, it should smell like alcohol and not like
19 perfume.

20 So they said, Well, you know, we better try
21 to play around a little bit. Strip the fusel oils out.
22 Try different distillations. We tried three, four,
23 five, six, seven. We got to the point of four, where we
24 were able to maintain a little of the taste of our mash,
25 which is peaches and cream corn.

1 Q. Could I stop you there for a moment, Mr. Aykroyd.

2 What is the role of mash? You said it was
3 peaches and cream. Would you explain a little bit of
4 the role of the mash?

5 A. It's the plant matter, the vegetable matter that
6 ferments to produce the ethyl alcohol that eventually
7 becomes an alcoholic beverage, yeah.

8 So we use cream corn from Chatham, Ontario.
9 And we distilled it only four times, enabling the
10 consumer to taste the corn sweetness. So we didn't have
11 to put the sugar in, because that sweetness is there
12 already in that corn.

13 We were really pleased with the four-times
14 distillation. And we began to get into production.

15 Q. Is it a fair statement that the content in that
16 bottle was critical to you?

17 A. You know, a nice package is fine to have. But if
18 the juice ain't in the jug, you don't have a business.
19 And the consumer knows it.

20 Q. Let me talk to you now about the roll out of
21 Crystal Head Vodka.

22 And by roll out, would you explain to the
23 jury what that -- what I'm talking about, if you will,
24 sir.

25 A. Well, certainly. When you've got a new product,

1 you have to get it out into the world, got to do media.
2 You have to get it imported. You've got to get it
3 distributed. You've got to get it into the retail
4 space. That's on premise, which we call in the business
5 bars; and then off premises we call the retail. All of
6 that has to be done, right through the chain:
7 importation, distribution, retail.

8 And the people have to know it's coming.
9 And we have to advertise to make sure that it moves off
10 the shelves. So it's got to be on the shelves, and then
11 there has to be a launch or a publicity campaign to
12 inform the trade, the industry and the world of beverage
13 alcohol consumers that that product is there now.

14 Q. Do you remember, first, where the launch took
15 place, the first launch in America?

16 A. Yes. I'm proud to say we went over to the House
17 of Blues here in Anaheim -- the old House of Blues, and
18 we launched in September '08.

19 Q. Some question's been raised, sir. So let me ask
20 you: Where were you on the night of September 23, 2008?

21 A. I was shaking hands and taking pictures with
22 everybody in the room; meeting wholesalers,
23 distributors, consumers, bartenders, waiters,
24 waitresses. Just so proud to explode and expose this
25 product to the world. I was right there in the House of

1 Blues the entire time.

2 Q. What kind of reaction did you get that night to
3 Crystal Head Vodka?

4 A. People were smiling when they saw the bottle.
5 You know, the little grin we have there. It just made
6 them feel good.

7 And when we started to play around with
8 things like White Cosmos and the Bar Car Martini, and
9 the clean taste of it, and the fact that it's a
10 no-additive vodka that bartenders can put additives in
11 as a virgin canvas or a clean slate. Everybody was just
12 blown away. The reaction was just as we would have
13 dreamed.

14 Q. I take it a White Cosmos is a kind of mixed
15 drink?

16 A. Yes. White cranberry juice, elderberry flower,
17 with a little soda water, and then the vodka poured in
18 there.

19 Q. Let me ask you: Was there much media coverage at
20 that time?

21 A. Oh, quite extensive.

22 Q. Please give us some idea of the media coverage,
23 if you will, sir?

24 A. Well, we did morning television, breakfast
25 television there in L.A. for that launch.

1 And then subsequently as we would go across
2 the country, we would do radio -- morning radio. Come
3 in for breakfast television. Maybe a noon television
4 show. And then we would do a print ad for a local
5 newspaper or magazine. And then there would be
6 electronic media at the bottle signings we did.

7 So we really did a comprehensive publicity
8 program; starting with radio and ending with electronic
9 media at the signing. So exposure and print and
10 television and radio in every town we went to.

11 Q. Let me take you across country now. Did you
12 start a tour in Florida?

13 A. Yes, we did.

14 Q. How soon was that after the opening in Anaheim;
15 do you have an estimate?

16 A. A month later, about October '08.

17 Q. And at that point, did you have the Crystal Head
18 mobile as yet or no?

19 A. No. We had two tour buses which we rented for
20 our group. Because I don't like to fly.

21 Q. Did you -- do you recall the cities you visited
22 on that first tour?

23 A. Uh-huh. Sure. Well, Miami, Tampa, New Orleans,
24 Houston, Dallas, San Antonio. I believe we ended up in
25 Vegas. We ended in Vegas.

1 Q. Let me ask you now, you've told us in general
2 what happened. Give us an idea about a typical bottle
3 signing. Do you remember any specific store, for
4 instance, you opened at?

5 A. Oh, sure. ABC, Total Wine. I mean, specific
6 store? Yeah. I can tell you, say ABC Beverages in
7 Florida, in Tampa.

8 Q. What kind of reaction -- I'm talking about bottle
9 signings now, how is that set up? Who would attend?

10 A. Well, we would do our advance publicity. The
11 store would know we were coming a couple of weeks in
12 advance. They would put up posters. They would do
13 radio ads. I'd often call in and say, Hi, I'm coming to
14 your town. Come and see my bottle. Come and meet me
15 and greet me. So we would set it up for the public to
16 have access to a table at the back of the room. The
17 bottles would be piled up, and I would sign the bottle.
18 I'd have everybody sit down next to me and take a
19 picture. I'd meet them. Give them a moment. Ask them
20 what they were doing. Ask what they drank or why they
21 were there. So it was a great exposure to the consuming
22 public.

23 Q. Did you enjoy it?

24 A. Oh, I did. It was a lot of fun, because -- you
25 know, they'd come with their kids and grandkids. And

1 they'd come with, you know, Ghostbusters CD's and Blues
2 Brother's stuff, and I'd sign them. The kids would
3 dress up. And, you know, I'd see the third generation
4 of enjoying my work from the past. And it was just
5 wonderful. And I'm sending people home with a fluid I'm
6 proud of. Consumers who would go home and enjoy it.

7 Q. Did you that sort of response continue through
8 your trip all the way to Vegas?

9 A. All the way to Vegas. All the way through today.
10 Wherever I go and do a bottle signing, people show up
11 and they -- the response is great.

12 Q. Let me restrict this question to the first couple
13 of years. Do you have an idea of how many states you
14 visited in those first two years?

15 A. 35. Roughly -- over 30.

16 Q. What about the cities? Did you visit some of
17 those cities more than once?

18 A. Oh, yeah. Oh yeah. We went back. We went back
19 over Florida. And went back over Texas. And we did the
20 Northeast. I probably visited about 50 cities.
21 Indianapolis we were in a couple of times. Chicago.

22 Q. Did you come back to the L.A. area?

23 A. Oh, frequently.

24 Q. Could you give us an idea of some of the stores
25 where you visited here or some of the media -- well, you

1 already have talked about the media, but some of the
2 stores?

3 A. Yeah. Mission Liquor, we were at. Stater Bros.
4 in Temecula. Costco on Sepúlveda Boulevard. BEVMO.
5 Couple other retailers. Napa Cabs, they're down
6 there -- and then Orange Coast Liquors down there in
7 Orange County.

8 Q. Did you cover just L.A. or did you also go
9 farther south?

10 A. We were down in Temecula, down in San Diego, down
11 that way, yes.

12 Q. Now, when you first opened up -- or first
13 launched your product, did you have a Website?

14 A. Yes.

15 Q. And could you tell the jury what happened with
16 the Website and how soon it happened?

17 A. Well, we opened a Website, we wanted to just get
18 the story out about the fluid, about the legend the
19 crystal heads. And I kind of -- I don't know. I guess
20 you could think -- if you had to say I had a religion it
21 would be spirituality. I do believe in the spirit, the
22 endurance of life after death. And I also believe in
23 the positive energy of a legend of the heads. And so I
24 got that across in a web video that we put up there.
25 And it was well received.

1 Q. And that was part of the marketing of the bottle,
2 the Legends of the Crystal Head?

3 A. Yes.

4 Q. Did it continue to be the basis of your
5 marketing?

6 A. Once we were launched and on our way, we began to
7 stress the quality of the fluid more not than the story
8 of the heads; because the fluid was winning awards by
9 that time.

10 Q. And --

11 A. And we had our tasting notes, which were
12 spectacular.

13 Q. Couple of questions. First about the awards.
14 Could you give the jury some idea of the awards Crystal
15 Head has won?

16 A. We've won the World Spirits Competition in
17 San Francisco twice. We won the Australian Luxury Brand
18 Award. And we won the ProdExpo in Moscow. Two years
19 ago at a Russian contest out of 400 beverages, we were
20 voted "Excellent Taste" by the Russians.

21 And our notes are spectacular. Anthony Dias
22 Blue, he's like the Robert -- Robert Parker's the guy
23 when you have a hundred point wine, he's the guy with
24 the tongue that tells you it's 90 or a hundred points.
25 So we had a great tasting.

1 Anthony Dias Blue rated us with the
2 following notes: Sweet, vanilla, dry, crisp, with a
3 kick of heat off the finish. My car left the highway
4 when I heard those notes. It was just -- as a vodka
5 maker, to get that approbation from a professional, it
6 was really gratifying.

7 Q. His job is to critique --

8 A. Exactly.

9 Q. -- alcohol?

10 A. Yes.

11 Q. Tell us about the Website. Do you remember what
12 happened right at the first with the Website; did you
13 get any hits on it?

14 A. Yeah. This is back -- relatively back before
15 social media has exploded to the point where it is. We
16 got 60,000 hits, more than the servers for the Toyota
17 Motor Company were handling across Canada.

18 So people were responding around the world
19 to the story of the heads and anticipating this new
20 product coming to market.

21 Q. Danny, do you recall how many -- you got 60,000
22 hits. Was that in one day, one week, or do you know?

23 A. That was in the first day.

24 Q. Now, did you have a goal -- to go to the business
25 side here. Did you have a goal for the first year of

1 how many cases of Crystal Head you wanted to sell?

2 A. That would have been determined by the buyer of
3 the product, who was Infinium Beverages, the importer.
4 And they basically set the goal -- or they set the --
5 they set the demand. And they -- yeah.

6 Q. What was the goal?

7 A. Well, they agreed to order 5,000 cases.

8 Q. And that was for the -- that was the goal for a
9 year, I take it?

10 A. Correct.

11 Q. And how long did it take to sell those
12 5,000 cases?

13 A. Well, you know, about under two months.

14 Q. And did that create production issues for you?
15 Did you have to produce some more?

16 A. We did have to start to ramp things up and
17 accelerate production, because the orders were coming in
18 on the product. The turn was good.

19 Q. During the past -- let's see, it would be -- the
20 bottle came out in 2008. You began work in 2006 or so?

21 A. Yeah.

22 Q. How much time have you devoted between the
23 beginning of this idea and now to Globefill and Crystal
24 Head Vodka?

25 A. Basically I would say three quarters of my

1 working time now is spent on the product.

2 Q. Has this been at the sacrifice of your movie
3 career?

4 A. Yes, I would say so.

5 Q. And during this period of time, have you done any
6 roles?

7 A. Two years ago I was in the remake of
8 Ghostbusters, with the spectacular women comedians. And
9 I had a small role in it; half day's work.

10 Prior to that, I was in a movie called Get
11 on Up, the life story of James Brown. I didn't seek
12 that out, but I would have when I was pursuing my movie
13 career. Two people came to me as a favor to ask me to
14 be in it. And I knew James Brown. He was -- we were
15 friends. And I wanted to kind of pay tribute to his
16 legacy so I agreed to play the part of his manager. But
17 that's the only two movies I have been in in the last I
18 guess eight years.

19 Q. Did you put your own money into this project?

20 A. I did put family money in the project, yes.

21 Q. Can you give us an estimate of how much went into
22 the business?

23 A. Two and a half million Canadian.

24 Q. When you say two and a half million Canadian, you
25 are speaking of Canadian dollars?

1 A. Right.

2 Q. And that converts into real money in America,
3 does it not?

4 A. Green money.

5 Q. And how much, sir? About how much?

6 A. It's now -- you get a good deal going to Canada
7 now. It's like 30 cents you get on your dollar there.
8 It was a little less at the time. So like two million,
9 say. A little less.

10 Q. Did it take a while to recoup that investment, if
11 you did?

12 A. I got that back within three years, I guess.

13 Q. Did you have an agreement about -- with your
14 partners -- well, first of all, tell us who are the
15 partners in the business?

16 A. Well, John, obviously the artist, first partner.
17 Second partner, David Brown, who brings Patron Tequila
18 into Canada with me. He's an ex-postee as well.

19 Q. Wait a minute. What is a postee?

20 A. Postal worker.

21 We're kind of that fraternity. He delivered
22 mail in Toronto for many years. And then we got into
23 Patron. He retired from the post office. Again,
24 working full time on that. And then we did the vodka.

25 And then we brought in a manger, Jonathan

1 Hemi. And we liked him at the time, and we made him a
2 partner.

3 Q. You liked him at the time?

4 A. Yeah.

5 Q. What about now?

6 A. Oh, well, we have our issues. But, no, we love
7 him.

8 Q. Let me -- I know you are going to be asked this
9 so let me ask you: Do you charge appearance fees to the
10 company?

11 A. Yes. I'm doing the work. I've got to be paid
12 for my time. And I do have a rate schedule for personal
13 appearances, media signings, bartender education
14 sessions, yes.

15 Q. Do you charge the full rate -- the full boat, if
16 you will, for your appearances for the company as you
17 would, for instance, for a Blues Brothers concert?

18 A. Blues Brothers concert, I take that figure, I
19 chop it in half, and then I discount 10 percent to the
20 partners.

21 Q. Over the years, do you have an idea -- well, let
22 me ask you this: When you charge back to the company --
23 or when you send an invoice to the company for your
24 appearance, do you demand immediate payment?

25 A. No.

1 Q. Have you been paid everything that you have
2 earned?

3 A. No.

4 Q. Have there been some -- you might want to talk to
5 Mr. Hemi after this.

6 Do you have an idea of how much money you
7 have taken out in terms of your appearance fees?

8 A. Well, seven figures, it would be. Because if you
9 add it all up -- I mean, I've done so many appearances,
10 and if you take the rate, I would say around -- over the
11 life of the projects, say from inception to now, a
12 couple of million.

13 Q. During this period of time, have your partners --
14 any of your partners complained about that?

15 A. No. In fact, it was really their idea for me to
16 be compensated. Because they knew the level of work
17 that I was doing and the level of commitment. And so
18 they -- they agreed that I should be compensated.

19 And that's when I come up with the rate. I
20 said, Well, I'll take the Blues Brothers concert rate
21 and I'll chop that in half and I'll discount it to you.

22 Q. When you have taken a distribution, have you
23 taken -- you're the 62 percent owner of the business?

24 A. The business breaks down 62 percent; 20 percent
25 for John; 10 percent for Hemi; and 8 percent for David

1 Brown. And that's the way the percentage breaks down.
2 I wanted to get them all in there. I don't own all of
3 the company.

4 Q. Is Davey Brown -- who else, related to Davey
5 Brown, is in this business, sir?

6 A. Well, Martha Mendoza, his wife. She handles our
7 point ever sale. That's all the bar mats and shot
8 glasses and shakers, all the neat stuff that bartenders
9 like to work with the product.

10 Q. Just parenthetically, Davey could not attend,
11 could he?

12 A. He's tending to his wife. She's very, very ill
13 right now, I'm sorry to say.

14 Q. Has it been a family affair with all the
15 partners?

16 A. No doubt.

17 Q. Let me ask you this --

18 A. Excuse me. You did have a question about
19 distribution.

20 Q. I did. I did.

21 You're also a member of the Directors Guild;
22 is that correct, sir?

23 A. Yes.

24 Q. If you don't mind, let me direct.

25 A. Yes, sir.

1 Q. The question I have is when you get your
2 distributions, what have you done with those funds?

3 A. Well, I don't take the full 62. I never take
4 more than -- I take about 50 percent. So I take the 12,
5 and I kind of spread it around in the office.

6 Q. Among employees?

7 A. Yeah.

8 Q. Mr. Aykroyd, did there come a point in time when
9 you became aware of KAH Tequila?

10 A. Yes.

11 Q. If you want to go ahead and pour some water, go
12 ahead, sir.

13 Do you recall when that happened?

14 A. March 2010.

15 Q. And under what circumstances? Where was this?

16 A. It was the Las Vegas Nightclub and Bar Show, a
17 trade convention for the beverage and alcohol industry.

18 Q. We've heard a lot of discussion about that. Can
19 you tell us: How did you first become aware of it?
20 What did you see?

21 A. I saw a magazine.

22 Q. Let me show you Exhibit 618. This is the
23 magazine, of course, you're talking about?

24 A. Yes, correct.

25 Q. You see on the top on the front that it features

1 KAH Tequila: Spirit of the Afterparty?

2 A. That was not the alarming element of the magazine
3 that got to me.

4 Q. Tell us what you saw. Where was it? And we'll
5 put it up on the screen?

6 A. The alarming element was the back cover.

7 Q. Please go to 618-52.

8 MR. BERG: Would you blow that up, please.

9 BY MR. BERG:

10 Q. Tell us what you -- you said it was alarming.
11 Why, sir?

12 A. It was obvious to us that our bottle had been
13 replicated. And what the giveaway was, the catted
14 spout. That told me right there that this was a feature
15 of our bottle that was copied by the makers of KAH.
16 That catted spout. And then there were other things.
17 But the caudad spout, that's the giveaway.

18 Because logically, for a machine fill in a
19 vodka or -- I mean, a tequila or bottle of any kind, you
20 would have that spout straight up. But KAH was copying
21 our aesthetic of that caudad spout. Which on our bottle
22 it's -- may I pick this up?

23 Q. Please, go ahead.

24 A. The caudad spout comes beautifully off the angle
25 of the forehead and off the angle of the head. And it's

1 got that slight cant to it.

2 The KAH Tequila bottle has taken that same
3 angle, that same cant, because this is aesthetically
4 pleasing. The KAH creators saw the aesthetically
5 pleasing value of that, and they put it into their
6 bottle.

7 Now, logically, if they were going to go for
8 cost and they thought about it, they'd put that straight
9 up, but it doesn't look as good.

10 Q. Why would they put it straight up?

11 A. Because a machine can fill it much easier. This
12 requires a hand-fill. You've got to put this under --
13 because it's canted, you have to have someone push a
14 button to fill it.

15 So the logic would be to do a machine fill.
16 But here, that was overridden by their desire to copy
17 our aesthetic.

18 Q. Is there a bottle, another bottle by you, a KAH
19 Tequila bottle, 772?

20 MR. BERG: And if not, may I ask the deputy
21 courtroom clerk to please hand that to Mr. Aykroyd.
22 772.

23 THE COURT: Yes. The clerk will place it in
24 front of the witness.

25 BY MR. BERG:

1 Q. Mr. Aykroyd, you might want to remove that blue
2 piece of paper and put it back on after you...

3 A. Thank you.

4 Q. Would you be so kind as to compare -- when you
5 say canted spout, you mean tilted?

6 A. Yes. Tilted back. Yes.

7 Q. Could you show the jury what you're talking
8 about.

9 A. Here's the cant here and the cant here, coming
10 off the forehead and producing a very pleasing visual
11 aesthetic, much more pleasing than if it had been
12 straight up and down.

13 And we were the first ones to do this. So
14 you can see the angle here of the cant.

15 Q. You mentioned the problem with the filling of
16 your bottle with the canted spout, the tilted spout.

17 Tell the jury again what the problem was and
18 then how it was fixed.

19 A. Well, a straight-up spout enables the bottles to
20 just go right in the line and get filled automatically
21 with an automatic filler. A canted spout requires a
22 hand-fill. Now we did go to the Newfoundland
23 Corporation and we did adapt machines to fill the canted
24 spouts eventually; but it was expensive.

25 Q. Do you know about how much it cost to fix that

1 problem?

2 A. \$700,000 to adjust the line.

3 Q. Do you recall about how long after you brought
4 the bottle to -- well -- yes. After you brought the
5 bottle to market, about how long did it take before your
6 company could afford to fix it?

7 A. It was several years; two, three years at least.

8 Q. As of now, is it filled by machine?

9 A. It's filled by machine now.

10 Q. If you were looking to save money on a bottle,
11 would you tilt that spout like that?

12 A. No.

13 Q. Did you read the magazine?

14 A. Yes.

15 Q. And did you read an article in the magazine about
16 KAH Tequila?

17 A. I did.

18 Q. Would you please go to 628 -- 618-28 and 29.

19 Is this the article you are referring to?

20 A. It is.

21 Q. And would you go to page 30.

22 MR. BERG: Could you blow that up again.

23 BY MR. BERG:

24 Q. Were those the same pictures?

25 A. Yes, sir.

1 MR. BERG: And if you go back to page 28 for
2 a moment. If you would blow up this paragraph. Start
3 the first full paragraph, Kim Brandi.

4 BY MR. BERG:

5 Q. Was this the first time you had heard of Kim
6 Brandi or Elements?

7 A. It was.

8 Q. What did you take away from just the very first
9 part of this story?

10 A. Well, I was -- naturally, I was struck by the
11 near exact similarity to our bottle in many respects;
12 dimensions and proportions, near exact replica.

13 Q. They're not exact, I take it?

14 A. Near exact. Near exact enough so as to cause
15 confusion in the marketplace as to the source; who makes
16 the bottle; or as to the sponsorship.

17 Q. Were you concerned about the confusion about who
18 made the bottle?

19 A. Yes. As a manufacturer, it was unacceptable for
20 me -- people think I am making a premium vodka -- to
21 believe we have a line extension into tequila. Because
22 I don't have quality control over KAH Tequila. I don't
23 make it. So to have people think and be confused and
24 think that this is a line extension of Crystal Head,
25 which we had to go around and try to correct eventually,

1 it created the type of confusion that a manufacturer
2 fears.

3 I don't know what's in the quality. I can't
4 police the quality of that tequila or the bottle that's
5 it made in.

6 If I were doing a line extension of Crystal
7 Head into tequila, we would be sure that quality was
8 first class.

9 I don't have control over that. And that's
10 why confusion is so egregious here. And just one person
11 being confused is enough.

12 You saw Christina's testimony where she
13 showed that one lady there with the -- you know, going
14 out over the Internet to thousands of people with the
15 two bottles: tequila, Crystal Head. Of course there's
16 confusion.

17 Q. What if KAH Tequila had superb vodka? Just
18 assume it was excellent. Would you then have an
19 objection to KAH Tequila being on the market?

20 A. Yes.

21 Q. What would the objection be, to make it very
22 clear why you are here?

23 A. We believe that the law protects our rights to
24 our skull-shaped bottle and to the containment of
25 beverage alcohol in that bottle.

1 And we believe that we have been infringed
2 upon, and intentionally infringed upon, with a
3 quick-follow product that was contemplated and
4 premeditated by its creators once the creators saw our
5 bottle.

6 Q. It's been asked several times: Are you trying to
7 put Ms. Brandi out of the tequila business?

8 A. Absolutely not.

9 Q. What is it that you are trying to do?

10 A. We are trying -- we are here to try to protect
11 our rights under the law against trade dress
12 infringement, against a bottle that we believe copies
13 many features of ours, so enough to cause confusion in
14 the marketplace as to sponsorship, or source of
15 manufacturer of the goods.

16 Q. They are also dissimilarities?

17 A. Oh. No. No. Absolutely, sure.

18 Q. If Ms. Brandi were to sell something else,
19 something other than an alcoholic beverage in a
20 skull-shaped bottle, would you have an objection then?

21 A. Not at all.

22 Q. Do you have -- didn't you suggest one idea
23 already that would be perfect?

24 A. I suggested a line of food stuffs for
25 supermarkets in mini bottles. I think it would be a big

1 hit. And, you know, Kim, go for it. I give you that.

2 Q. Were you made aware that Crystal Head vodka was
3 asked to put an ad in this magazine -- not Crystal Head
4 Vodka, but Infinium was asked ad in the magazine?

5 A. Not at the time of the bar show, no.

6 MR. BERG: Could we go to that page. That
7 would be 618-4 and -5.

8 BY MR. BERG:

9 Q. What was your reaction when you saw this?

10 A. I felt that -- that Kim, we see here, was
11 attempting to associate our product with hers in a way
12 that implied a sponsorship or approval?

13 Q. What does that mean to you, sir?

14 A. That Crystal Head would approve of or would
15 sanction in some way KAH Tequila. I believe that she
16 was attempting to draw that as an inference.

17 Q. Thank you. What did you do after you saw this
18 magazine?

19 A. Well, we conferred as a company and decided, this
20 is our trade dress. This is our life. We've worked
21 years on this. And we have dependents and people -- you
22 know, from the line in Newfoundland to foreign sales.
23 We had to protect ourselves.

24 So we prepared a legal letter which we sent
25 to Elements and to Kim.

1 Q. And that legal letter, is that called "A cease
2 and desist letter"?

3 A. As I recall, yes.

4 Q. Could we please -- before we leave, there has
5 been some discussion of this. Did you speak at that
6 convention?

7 A. Yes.

8 Q. And could you tell the jury what -- a little bit
9 about the convention, why Globefill would be there, and
10 why you would be there?

11 A. Well, the bar show begins the trade show. We
12 wanted to talk about some of the recipes we'd come up
13 with, and sort of just basically be a presence in market
14 for Vegas and for the bar show.

15 So I agreed to be a key note speaker and do
16 a seminar on the product.

17 Q. Is this attended -- who attends the -- a
18 convention like this?

19 A. Wholesalers, retailers, the public. Bartenders,
20 bar owners, bar operators. Multiple operators; hotel,
21 dining room, beverage managers, beverage buyers,
22 distributors. Basically anyone interested in bar
23 service.

24 Q. Did that enhance your concern about this magazine
25 and about KAH Tequila?

1 A. Well, it was very widely exposed, this Liquid
2 Living Magazine. And we had people coming up to us
3 congratulating us on our new tequila at the convention.

4 Q. Let me just divert a little bit here.

5 Have you had people over the years say
6 that to you more than at that convention?

7 A. Yes.

8 Q. Can you estimate how often that has been said?

9 A. I -- I really couldn't count how many people have
10 come and asked me about our new tequila in the skull
11 bottle, no. Numbers. Numbers of people. I couldn't
12 count.

13 Q. Could you give us a couple of names?

14 A. Well, sure. Rocky Wirtz; Wirtz Beverages up
15 there in Chicago. Bill Goldring there with RNDC down in
16 the south. David Jabour in Austin, Texas. Mike
17 Binstein; Binny, our pal in Chicago with Binny's Liquor.
18 Burt Notarius and his son up there at Premier Beverages
19 up there in Buffalo.

20 All of them were calling and saying, Why
21 didn't you tell us? We would have promoted this for
22 you. They wanted to know why we didn't tell them about
23 this. Why it just appeared on the market without us
24 telling them. We had to say: It's not ours.

25 Q. And, Mr. Aykroyd, are they -- this is always

1 asked: Are they coming here to testify?

2 A. Not that I am aware of, no.

3 Q. And what are you asking of the jury then?

4 A. I'm asking the jury to look at the law carefully,
5 to listen to Judge Marshall's instructions, and to find
6 in favor of Globefill; that there is a trade dress
7 infringement here, which is on the part of KAH Tequila,
8 which has caused and continues to cause confusion in the
9 industry trade and the consumer marketplace as to the
10 source, the origin of the goods. And that's simply what
11 we want to take care of today. Hopefully we can have a
12 proper resolution, in our view.

13 Q. Mr. Aykroyd, have you bought a bottle of KAH
14 Tequila?

15 A. Yes.

16 Q. And what was your experience with the bottle
17 itself?

18 A. Well, I bought a white one and -- I prefer
19 Patron. So, you know -- I prefer Patron. So, you know,
20 I love that Blanco. So I wasn't sure about the taste.
21 As I said, I'm kind of bias there.

22 There was a glass, a little chip of glass.
23 The original now -- they make them out of ceramic now,
24 the KAH. But this was -- the infringing product
25 originally was glass.

1 Q. Show that to the jury, the bottom, if you would,
2 sir.

3 A. So somehow, somehow, now, now, look, now maybe I
4 dropped it or it shipped badly or something, but there
5 was a chip of glass in the bottle that I poured. And I
6 poured it all out just to take a look at the liquid.
7 And about halfway through this chip was there.

8 I thought to myself, even more reason for me
9 to be concerned about source. What if someone got hurt?
10 And then to have someone think that we have a product on
11 the market that's inferior to our vodka, unacceptable.

12 Q. When you went shopping for a bottle manufacturer,
13 did you consider any Chinese companies?

14 A. No, we did not.

15 Q. Were you concerned about quality?

16 A. Concerned about quality and replication.

17 Q. And in the -- pardon me.

18 Let's get back to the cease and desist
19 letter. To time that, was that about March of 2010?

20 A. Right after the bar show, yes.

21 Q. And did you take other steps at that point in
22 addition to your trade dress protection? Did you take
23 other steps as a company to protect your bottle?

24 A. We filed a trademark.

25 MR. BERG: Could we go to Exhibit 700,

1 please.

2 Now, this is hard to read, so I'm going to
3 ask Willa to please go to the line beginning with "First
4 use."

5 BY MR. BERG:

6 Q. Now, do you understand why this -- these words
7 "first use" are in here, Mr. Aykroyd?

8 A. Yes. "First use" is the standard which is
9 accepted in law and business for the protection of trade
10 dress. Once you have first use in commerce, it's
11 assumed that your trade dress has been established as an
12 original presentation to the market.

13 Q. This indicates if you -- if I could read it,
14 "First use 9, 0, 2008," September 2008. Is that
15 consistent with your memory of when you went to Anaheim
16 and launched the bottle?

17 A. Yes, it is.

18 Q. Let's go now to where it starts with the serial
19 number, right there. Next to bottom line, right there.

20 I just want to point out the first line
21 there. Do you see the word "filed," sir?

22 A. Yes, sir.

23 Q. And does that comport with your memory? It says
24 it was filed on 3/24/2010.

25 A. Uh-huh.

1 Q. And it issued -- we have --

2 MR. BERG: Let's go up to the first line.
3 Let's see first where it says "for alcoholic beverages."
4 Right there.

5 BY MR. BERG:

6 Q. And the purpose was for alcoholic beverages;
7 namely, vodka; in class 33.

8 MR. BERG: And then go down, if you would,
9 to "Principal register." And then -- please.

10 BY MR. BERG:

11 Q. Do you see where it says "The mark" -- right
12 there, "The mark consists of"?

13 And it says, "The mark consists of a
14 configuration of a bottle in the shape of a skull."

15 Is that your understanding of your
16 trademark?

17 A. Correct.

18 Q. And if we go to the -- we'll get the date --

19 MR. BERG: If you'll take that down.

20 BY MR. BERG:

21 Q. -- and it was registered or issued on -- do you
22 see where it says "Registered" -- October 25th, 2011.
23 So that's your trademark.

24 A. Yes.

25 Q. And this -- why did your company apply for this?

1 A. Supplemental protection of our product and our
2 trade dress.

3 Q. If you would, have you noticed something in
4 particular about this application or this trademark?

5 A. With regards to the copy or the graphic? I'm
6 sorry.

7 I would ask you to clarify the question,
8 "noticed" what?

9 THE COURT: Maybe counsel can just state a
10 different question.

11 MR. BERG: Yes.

12 BY MR. BERG:

13 Q. Would you tell jury what this is. Describe that
14 top.

15 A. Right. That's a little bit of nostalgia. That's
16 our original hexagonal wooden top. In the beginning, we
17 matched the hexagonal pattern on the bottle here. There
18 is a little X pattern on the bottle. We matched it with
19 a hexagonal top.

20 Subsequently, in order to reduce price, we
21 found that we could get a savings if we just went to a
22 round top.

23 But we filed the trademark with the original
24 hex top. And that's the drawing of it right there. You
25 can see the facets all around making it a hexagonal

1 shape, not round.

2 Q. By mention hexagonal, you mean it has six sides
3 to it?

4 A. Yes. The facets. You can see the facets there
5 depicted in the drawing.

6 Q. I would like to go now to Exhibit 574-A. This is
7 the original top that you had?

8 A. Original top. No longer. Now we're round. But
9 that was the original, yeah.

10 Q. Mr. Aykroyd, are you familiar with these pictures
11 that are on the screen?

12 A. I am.

13 Q. When did you become familiar with these?

14 A. During our preparation.

15 Q. And can you tell us, sir, if any of those
16 pictures drew your attention in particular?

17 A. Well, the one on the right, because --

18 Q. On your right, sir?

19 A. Well, the blue one. That brought attention
20 because it's so obviously a mold replica of our bottle,
21 inspired by our bottle.

22 And then the picture next to it, I -- I --

23 Q. Could you use your finger to draw a circle around
24 the picture you are talking about.

25 Did you notice something in particular about

1 that picture?

2 MR. HUMMEL: Your Honor, I object to these
3 questions.

4 THE COURT: The basis for the objection?

5 MR. HUMMEL: There is no foundation. He is
6 offering opinion about something he didn't see until
7 this lawsuit.

8 THE COURT: Overruled.

9 BY MR. BERG:

10 Q. What was it that got your attention about that
11 top --

12 A. That --

13 Q. -- that mold?

14 A. That was one of our hexagonal tops sitting on her
15 mold. That is one of our tops taken from one of our
16 bottles.

17 You can see the facet there. And that was
18 placed on the mold to assist her in her -- create her
19 project. You can see the facets.

20 Q. And what about?

21 A. It's not even a copy. It's one of our tops. I
22 do really believe that.

23 Q. What about the color, did that match?

24 A. It matched, yep. Matched the brown color, yes.

25 Q. As a result of these pictures -- now so that the

1 jury may be reminded, would you go do 574, please, page
2 2.

3 This is the clay calavera prototype of
4 May 2009?

5 A. Uh-huh.

6 Q. Now, as a result of seeing that, did you take
7 other action; of seeing that top, did that draw your
8 attention?

9 A. Yes. It just reinforced our conviction that we
10 had been copied.

11 Q. When you say our conviction, who are you talking
12 about?

13 A. The partners.

14 Q. Did that cause you to do further comparisons?

15 A. Oh, yes. Absolutely, sure.

16 Q. What comparisons did you make?

17 Do you have 772 in front of you, sir?

18 A. Yes, uh-huh.

19 Q. And 45?

20 A. Uh-huh.

21 Q. Tell the jury what other comparisons you made.

22 A. Well, we were stricken by the overall
23 presentation and similarity in presentation.

24 Now, of course, there are differences in the
25 skulls, and they are obvious.

1 But we actually -- we actually -- John and I
2 were struck by the proportions and the dimensions that
3 seem to copy our bottle in exact -- exactly.

4 If I might, if you look at this angle here,
5 from the back of the skull right to the jaw, right here,
6 that angle right there, and this angle, they -- they are
7 exactly the same.

8 If you were to take a line from the back of
9 the skull to the front the jaw, that is a linear plane.
10 That is exactly the same.

11 Q. Could you let all the jurors see that angle, sir?

12 A. May I stand up?

13 THE COURT: Well, do you wish to have them
14 circulated among the jury?

15 The witness has held them up. And I
16 think the jurors have seen them, but do you wish --

17 THE WITNESS: I will do --

18 THE COURT: Wait just a moment.

19 Do you wish to have him do something more?

20 MR. BERG: He needs the bottles for a while,
21 Your Honor.

22 THE COURT: Okay.

23 MR. BERG: And I thought the angle was --

24 THE WITNESS: Okay. So there and there. If
25 you just take the base of the skull through the chin,

1 now that's eliminating our base there. But if you chop
2 that off, there is an angle, linear angle there.

3 Next, you look at the caps, if we might.
4 So here's our round cap. And here is the KAH cap. This
5 is an old bottle from the past, so I can't quite get
6 this off. Sorry. I'll tell you what, same diameter of.

7 And, Your Honor, I do not have to use
8 the blackboard, but I will take up this ruler.

9 THE COURT: Oh, that's fine.

10 THE WITNESS: I won't go there.

11 And this is one and three, about --
12 yeah. I would say about one and a half -- yeah, one and
13 a half inches across according to this ruler.

14 BY MR. BERG:

15 Q. When you say "this is," what are you talking
16 about?

17 A. The top of the cap.

18 Q. Of which bottle?

19 A. Of the Crystal Head bottle. And then this is the
20 same, one and a half inches across. So the cap's
21 exactly the same dimension.

22 Moving on down, if we look at the top of the
23 skull to the top of the bottle, that's one and a quarter
24 inches. If we take the top of our bottle and go
25 there -- excuse me.

1 That is one and a quarter inches, maybe 1/16
2 or so higher than that. But really near exact.

3 Q. But they're not exact. To be clear, they're not
4 exact?

5 A. Okay. Next, let's look at the eye sockets.
6 Okay. So eye sockets could be any size in the skull.
7 Why are they exactly the same? Ours from the top of the
8 orbit here, the eye, to the bottom, is -- that would be
9 one inch. One inch. And across, across the orbit, a
10 little less. About one inch. One inch across as well,
11 if you took -- there may be -- it would be one and a
12 quarter, one inch this way and here. If you look at the
13 orbit from top to bottom, one inch, one inch. And then
14 an inch and a quarter, as in our bottle.

15 Next from the center of the eye to the chin.
16 Okay. We'll take our bottle first. Center of the eye
17 to the chin, right here roughly. And that's three and a
18 half inches. Center of the eye to the chin, three and a
19 half inches.

20 Width of the nose at the bottom. Our
21 bottle, one inch. KAH bottle, triangular nose again,
22 one inch.

23 And that brings me to the angle and the
24 cant. We have this base here which put a label on.
25 Now, we do that because the fluid has to sit level in

1 our clear bottle. If it were canted -- if we didn't
2 have the base, such as the KAH bottle does not have the
3 base -- they have an opaque bottle so the liquid doesn't
4 have to be -- it doesn't have to sit quite level.
5 Because we have a clear bottle, so we have this base.
6 And we didn't want to put a label on our bottles so we
7 built this base.

8 But if you were to take the KAH bottle and
9 put a base on it, the profile and the cant gives you an
10 idea of the replication that has occurred here.

11 Q. Mr. Aykroyd, why did you do this by yourself,
12 these measurements?

13 A. John Alexander and I did it.

14 Q. What did you do it do begin with?

15 A. Because we noticed proportions and dimensions
16 that matched our skull exactly in the KAH replica.

17 Q. Are you suggesting that every measurement you
18 could take of those two bottles is similar or very close
19 to being exact?

20 A. No. The cheeks are wider. The -- well, this
21 skull is almost -- just about the same.

22 Now, their new bottles are a little wider in
23 terms of the back and the front of the skull, the cheeks
24 are wider.

25 Otherwise, there is so much that matches up,

1 I -- I -- I see there that -- why someone would think
2 that this is a line extension of ours. And confusion is
3 obvious.

4 Q. Is that the -- did you just use the Blanco to
5 compare?

6 A. I did, yeah.

7 Q. Obviously -- this has been pointed out -- they
8 have a chiseled mouth, you don't?

9 A. Right. Right. Well, their piece of glass --
10 that's less expensive. Because they have it painted on,
11 it's a less expensive piece to make. They're saving
12 money there.

13 It's quite expensive to make the chiseled
14 mouth, but they don't need it, because they painted on a
15 smile.

16 Q. Are there other -- you've told us about some
17 dissimilarities.

18 You are here to talk about the similarities,
19 are you not, sir?

20 A. Yes.

21 Q. And that is why I take it you filed this suit?

22 A. Because it's so obviously a quick-follow copy of
23 the Crystal Head bottle with another similarities to go
24 into the market and confuse as to the source of the
25 manufactured goods or as to sponsorship.

1 Q. Let me take you to one last subject matter, if I
2 might. Are you aware of a lawsuit Elements filed in
3 Mexico?

4 A. Yes.

5 Q. What was the allegation in that lawsuit about the
6 bottle -- KAH Tequila bottle and another skull-shaped
7 bottle?

8 A. That they were confusingly similar.

9 Q. And as a result of that lawsuit, what happened to
10 your stock or your bottles in Mexico?

11 A. Our goods were seized at a retail store,
12 impounded, and taken off the shelves away from the
13 public view on the basis of confusion.

14 Q. And if I might ask you, sir, they're saying in
15 Mexico the bottles are similar?

16 A. Yes.

17 Q. They're saying here -- well, first, let me ask
18 you: What do you think of that --

19 A. I --

20 Q. -- allegation?

21 THE COURT: Excuse me. What's the question?

22 MR. BERG: Yes.

23 BY MR. BERG:

24 Q. In Mexico, Elements is saying the bottles are
25 similar.

1 And I'm asking you, sir, do you agree or
2 disagree?

3 MR. HUMMEL: Object, Your Honor.

4 THE COURT: Overruled.

5 THE WITNESS: I agree with the Mexican
6 filing.

7 MR. BERG: Let me confer with my colleague
8 for a moment.

9 (PAUSE.)

10 BY MR. BERG:

11 Q. One last thing, Mr. Aykroyd. When you first saw
12 the bottle, did you characterize it -- and I'm talking
13 about KAH Tequila. What was your emotional response to
14 that?

15 A. Well, I was pretty mad. You know, a lot of work
16 had gone into this. A lot of time and a lot of effort.
17 And it just seemed like these operators were
18 piggybacking on our hard work and coming with a
19 quick-follow replica. And I was upset.

20 Q. Did you say something you might regret?

21 A. Well, I don't know. I don't know how you can
22 regret insulting a material object. But I -- I insulted
23 the bottle, the KAH bottle. I was mad and I threw out a
24 comment about it.

25 Q. What kind of comment?

1 A. Said it looked -- I said one of them looked like
2 a monkey.

3 But I don't feel that today. And didn't at
4 the time. I was just being -- kind of reacting. And
5 the heat of the emotion took me to that insult, I guess.

6 Q. I just have a couple more questions.

7 You told us what happened in -- how much
8 work you've done in the last almost ten years. It's a
9 fair statement that it's been at the sacrifice of your
10 movie career?

11 A. I would say so, yeah.

12 Q. Have you observed Mr. Alexander's career in the
13 last ten years; has he in fact sacrificed his career to
14 some extent as well?

15 A. He has less time in the studio to work, because
16 we've been on the road. And he has -- his production
17 output is down from his usual -- his usual schedule of
18 work.

19 MR. BERG: I'll pass the witness, Your
20 Honor.

21 THE COURT: Cross?

22 Before we commence cross, if anyone wishes
23 to stand and stretch, you may do so.

24 (PAUSE.)

25 THE COURT: I think everyone has now

1 returned.

2 So I will just indicate to the jurors -- the
3 jurors will remember that we have two defendants in the
4 case, Elements Spirits and Kim Brandi, and they are
5 represented by different counsel.

6 So during the cross-examination, you may
7 see counsel representing the entity, counsel
8 representing the individual, conducting
9 cross-examination.

10 And the Court would just ask: Which
11 counsel is going to go first?

12 MR. HUMMEL: I am going to go first, Your
13 Honor.

14 THE COURT: All right.

15 MR. HUMMEL: I have my own props.

16 May I begin, Your Honor?

17 THE COURT: Yes. You may proceed.

18 **CROSS-EXAMINATION**

19 BY MR. HUMMEL:

20 Q. Good afternoon, Mr. Aykroyd.

21 A. Good afternoon, Mr. Hummel.

22 Q. Globefill sent the cease and desist letter to
23 Ms. Brandi in Elements on March 18th, right?

24 A. I believe that's the date.

25 Q. And in that cease and desist letter, you asked

1 her to stop selling KAH Tequila in the bottle of which
2 it was intended to be launched, correct?

3 A. Stop selling beverage alcohol in a skull-shaped
4 bottle, yes.

5 Q. And you gave her a week to comply, right?

6 A. If that is in the record, I will say yes.

7 Q. And then you know that Globefill filed a lawsuit
8 against Elements and Ms. Brandi just a few days later,
9 right?

10 A. Yes, we did.

11 Q. And, in fact, you filed a lawsuit on March 22nd,
12 correct?

13 A. If that's what's in the record, I will accept
14 that as fact, yes.

15 MR. HUMMEL: And let's pull up Exhibit 700.
16 Let's pull up Exhibit No. 700.

17 BY MR. HUMMEL:

18 Q. This is the trademark application that Globefill
19 filed on its bottle, right?

20 A. It is.

21 Q. You just testified to that on direct, correct?

22 A. Yes.

23 Q. As you see, there is a configuration of a bottle,
24 right?

25 A. Yes.

1 Q. So the trademark that you have is on that
2 configuration?

3 A. A skull-shaped bottle.

4 Q. And that configuration, right, sir?

5 A. That configuration of a skull-shaped bottle, yes.

6 Q. And if you -- I think you testified on direct
7 that it says that the trademark is for alcoholic
8 beverages; namely, vodka. Right?

9 A. That's what it says, yes.

10 Q. And if you look, it was filed -- if you look
11 here -- there I go obliterating it -- on March 22nd,
12 2010, right?

13 A. Correct.

14 Q. 24th. Sorry. March 24th, 2010. Correct?

15 A. Yes.

16 Q. That was just a few days after this lawsuit was
17 filed, right?

18 A. Yes.

19 Q. Now, if you look up here, you were talking about
20 the cap, right?

21 A. I was.

22 Q. And if you look carefully on this trademark
23 application right here, it says, "The bottle cap is
24 shown in dotted lines and is not part of the mark,"
25 right?

1 A. I see that.

2 Q. So the cap that's depicted here is the hexagonal
3 cap you were talking about, right?

4 A. The hexagonal cap that originally was placed in
5 our production run when the bottle -- when we began
6 production.

7 Q. Right. You have no rights to that cap; you have
8 no trademark right to that cap, correct?

9 A. No, we don't have any trademark rights to the
10 cap.

11 Q. Have you seen a single bottle of KAH Tequila in
12 the market that had a hexagonal cap?

13 A. I have not.

14 Q. You believe that the document you showed the jury
15 in your opinion has a hexagonal cap, right?

16 A. A hexagonal cap, taken from our bottle, and
17 placed on the mold that was Kim was working with.

18 Q. Just based on your observation, right?

19 A. Of course.

20 Q. You've never actually seen that cap?

21 A. That particular cap?

22 Q. Right?

23 A. Of course not.

24 Q. Now, soon after you filed this lawsuit --

25 Mr. Aykroyd, I noticed that, particularly early in your

1 testimony, you were giving a lot of details.

2 Do you consider yourself to have a good
3 memory?

4 A. For someone my age, a reasonable memory; a
5 reasonable human memory.

6 Q. And do you recall that soon after you filed the
7 lawsuit you submitted a declaration to the Court?

8 A. I don't recall the specifics of that.

9 Q. You don't recall submitting a declaration
10 March 31st, 2010?

11 A. I don't recall specifics. I would have to be
12 refreshed there.

13 MR. HUMMEL: I will ask the clerk to hand
14 you Exhibit No. 39, sir.

15 THE COURT: This is an exhibit not in
16 evidence?

17 MR. HUMMEL: No. This is marked for
18 identification, Your Honor.

19 THE COURT: The clerk may place it before
20 the witness.

21 THE WITNESS: Thank you.

22 BY MR. HUMMEL:

23 Q. Mr. Aykroyd, I want to direct your attention to
24 paragraph No. 4 here.

25 A. Yes.

1 Q. Now, do you recall -- actually, having taken a
2 look at this affidavit declaration, you can take as long
3 as you want to examine it.

4 Do you recall now submitting an affidavit --
5 a declaration to the Court in March?

6 THE COURT: You may review it before you
7 answer.

8 THE WITNESS: Well, it has my signature on
9 it. So it was submitted with my signature on it.

10 And I will say, although I don't
11 specifically recall when I signed it, it is obviously a
12 submission, so I accept what you are saying here.

13 BY MR. HUMMEL:

14 Q. And do you recall that in this affidavit you
15 described the idea of commemorating the legend of 13
16 crystal skulls as originating with Mr. Alexander?

17 A. We originated the idea together with Alexander,
18 yes.

19 Q. Do you see that the affidavit says that he's the
20 one that suggested that?

21 A. John drew the skull up suggesting the design of
22 the skull. And I connected the Mitchell Hedges legend
23 to it once I saw his drawing.

24 Q. So Mr. Alexander was not the one who came up with
25 the idea of connecting Crystal Head Vodka with the

1 legend of the 13 crystal heads?

2 A. No.

3 Q. Did you prepare this affidavit or did your
4 lawyers?

5 A. Oh, undoubtedly the lawyers prepared this.

6 Q. The idea for Crystal Head Vodka was hatched in
7 2005, I think you testified, right?

8 A. '5 or '6. I -- around then, yeah.

9 Q. And you described the process that you went to in
10 detail to get to the final bottle, right?

11 A. Yes, sir.

12 Q. And that process took from 2005 in the winter
13 until the introduction of the vodka -- of the vodka in
14 2008, correct?

15 A. Well, the -- '07 was when we had a final product.
16 And then the introduction in '08, correct.

17 Q. You recall that -- so the total process took
18 about four years; is that correct?

19 A. That would be about right.

20 Q. I just want to go back once again to the
21 trademark application -- the trademark.

22 A. Yes.

23 Q. Do you recall when that trademark was applied
24 for, that color was not claimed as a feature of the
25 mark?

1 A. Color is not mentioned in the mark.

2 Q. And you understand that when you applied for the
3 mark, you applied for a clear bottle, correct?

4 A. Well, our bottle is clear. We applied for a
5 skull-shaped bottle. It didn't specify clear in the
6 trademark. But that's obviously our -- you know, our
7 package starts there with the clear bottle.

8 Q. With the clear bottle?

9 A. Yeah.

10 Q. Are you aware --

11 A. Clear, skull-shaped bottle, yes.

12 Q. Are aware that the lawyers when they filed the
13 application for this trademark disclaimed color?

14 A. Can you clarify for that for me? I'm not sure I
15 follow you there.

16 Q. Right. Are you aware that the lawyers when they
17 applied for this trademark told the trademark office
18 that Globefill was not claiming a colored glass?

19 A. I don't remember specifically that aspect of the
20 trademark. And it certainly doesn't eliminate -- it's
21 not stated here.

22 Q. Do you have Exhibit 492 in front of you?

23 THE COURT: Marked for identification is
24 492?

25 MR. HUMMEL: I think, your Honor, this is an

1 actual exhibit.

2 THE COURT: All right. You think it's in
3 evidence?

4 MR. HUMMEL: I don't think it's been
5 admitted into evidence, your Honor.

6 THE COURT: Is there any objection -- does
7 counsel offer it? Are you offering it or not?

8 MR. HUMMEL: No, I'm not offering it --

9 THE COURT: Okay.

10 MR. HUMMEL: -- I'm just --

11 THE COURT: All right. It will be placed
12 before the witness. It's 492.

13 The jurors will remember not every exhibit
14 or every document that you see here in the courtroom is
15 in evidence.

16 And you also remember the instruction that I
17 read earlier before we started the trial was the jury
18 may consider only those things that are received into
19 evidence.

20 So when you go into the jury room to
21 deliberate, you may notice not every piece of paper that
22 may be used during the trial is actually in evidence.
23 Apparently, this is an example of one of those.

24 The witness has before him 492.

25 BY MR. HUMMEL:

1 Q. All right. Mr. Aykroyd, would you take a look at
2 492, please.

3 A. Yes.

4 Q. I want you to look down about -- see the part
5 that says "Marked information"?

6 A. Yes.

7 Q. Do you see the part that says "Colors claimed"?

8 A. Yes.

9 Q. Do you see it says, "Color is not claimed as a
10 feature of the mark"?

11 THE COURT: I will ask Counsel not to go
12 into the contents since it's not in evidence. But the
13 witness may use it to refresh recollection or for other
14 purposes.

15 THE WITNESS: Oh, I'm happy to read this:
16 "Color is not claimed as a feature of the mark."

17 BY MR. HUMMEL:

18 Q. Mr. Aykroyd, you did some measurements with your
19 ruler earlier today?

20 A. I did.

21 Q. You said that you and Mr. Anderson had?

22 A. Alexander, yes.

23 Q. Mr. Alexander. Sorry. You're right.

24 Mr. Alexander had done a bunch of
25 measurements of both of those skulls, right?

1 A. We did, after seeing proportions and dimensions
2 that we believe were near exact copies of our bottle,
3 yes.

4 Q. You sat together and you measured every part of
5 both skulls and compared them, right?

6 A. Where we saw similarities, obvious similarities,
7 yes.

8 Q. When you did measurements, you found a bunch of
9 areas where there were dissimilarities, right?

10 A. Oh, absolutely.

11 Q. You didn't testify about those?

12 A. No. I believe I said that the --

13 MR. BERG: Excuse me. Objection. That is a
14 misstatement of his exact testimony, your Honor.

15 THE COURT: Objection sustained.

16 BY MR. HUMMEL:

17 Q. All right. Mr. Aykroyd, could you pick up your
18 ruler, please.

19 A. Uh-huh.

20 Q. Would you take up the Crystal Head vodka bottle,
21 please.

22 A. Sure.

23 Q. Could you measure the base from the front to the
24 back, please.

25 A. From the chin to the --

1 Q. Yes.

2 A. -- the stern?

3 It's four and a quarter inch.

4 Q. Would you take up the bottle -- do you have the
5 bottle of KAH Tequila still there?

6 A. I don't see where it went.

7 Q. Okay. We'll put that one in front of you.

8 THE CLERK: 772.

9 MR. HUMMEL: 772.

10 THE WITNESS: So that's four. From chin
11 to -- four and a quarter inch.

12 BY MR. HUMMEL:

13 Q. What is the same measurement on the KAH Tequila
14 bottle?

15 A. It's five inches across at the bottom here.

16 Q. Is it exactly five inches or is it about five and
17 a quarter?

18 A. Well, I would say -- oh, yes, five and a quarter,
19 yeah. It's full inch longer in the base than the
20 original.

21 Q. Would you please then compare -- do the same
22 measurement going -- at the widest part of both bases,
23 please.

24 A. Okay, sure.

25 Across our base is 2 and 3 quarter inches.

1 And now the KAH would be at the base -- well, about the
2 same here. I am seeing two and three-quarter widest
3 part.

4 Q. Are you sure the widest part is not three and a
5 quarter, Mr. Aykroyd?

6 A. Let me just check here. That's two and
7 three-quarter inches across the bottom here.

8 And -- no. It's two and three-quarter according
9 to what I see, across the bottom.

10 Q. Mr. Aykroyd, let's be clear about something.

11 A. Yeah.

12 Q. This bottle of KAH Blanco --

13 A. Uh-huh.

14 Q. -- is not simply a painted copy of the Crystal
15 Head Vodka bottle, right?

16 A. It's -- it's a painted copy of -- well, it's a
17 painted skull-shaped bottle which has enough
18 similarities to our original bottle, leading us to
19 believe there will be confusion in the marketplace as to
20 the source of goods.

21 But, no, it is not simply a painted copy of
22 our bottle.

23 Q. Someone didn't take this bottle, copy it exactly
24 and paint it, right?

25 A. They --

1 Q. Yes or no?

2 A. No.

3 Q. And someone didn't take this bottle and paint it
4 and produce the KAH Reposado --

5 A. No.

6 Q. -- right?

7 And someone didn't take the Crystal Head
8 Vodka bottle, paint it, and make the Anejo bottle --

9 A. No.

10 Q. -- right?

11 Now, Mr. Aykroyd you testified that you owned
12 62 percent of Globefill, right?

13 A. My family and I. My family. Yes.

14 Q. And you're involved in all aspects of Globefill's
15 business, right?

16 A. I have a very capable manager. And I am more
17 involved in the publicity side. But I do follow the
18 progress of the company. But I'm not a -- I'm not a
19 managing director.

20 Q. But you are very involved in all aspects of
21 Globefill's business, right?

22 A. I am.

23 Q. You are the only one that has voting shares in
24 Globefill, right?

25 A. No.

1 Q. Was there a time in which you were the only one
2 who had voting shares in Globefill?

3 A. There was. That was altered recently so that
4 everyone -- it's all equal shares now.

5 Q. Mr. Aykroyd, would you agree with me that
6 consumers of premium alcoholic spirits exercise common
7 sense?

8 A. Yes.

9 Q. Would you agree with me that purchasers of super
10 premium or premium liquors exercise care in their
11 purchases?

12 A. Yes.

13 Q. You would agree with me that purchasers of
14 Crystal Head Vodka are sophisticated, right?

15 A. Yes, sure. Well, sophisticated in terms of
16 tasting a superior vodka, sure.

17 Q. What's the demographic of the target audience of
18 Crystal Head Vodka?

19 A. Everyone. I mean, we would like to see, you
20 know, 21 to 81. And, indeed, that is our target. We
21 would like all consumers of beverage alcohol to try our
22 product. That would be the target.

23 MR. HUMMEL: Can you put up Exhibit 755.

24 BY MR. HUMMEL:

25 Q. Mr. Aykroyd, are you familiar with this document?

1 A. Yes.

2 Q. This is a Crystal Head presentation that was made
3 to Wilson Daniels?

4 A. Correct.

5 Q. And Wilson Daniels is the importer of Crystal
6 Head Vodka in the United States, right?

7 A. Correct.

8 Q. Can you turn to page 755-6.

9 A. Will they do that for me?

10 Q. Yeah. They'll do that for you.

11 So this is a presentation that Crystal Head
12 Vodka made on "Who drinks super premium vodkas," right?

13 A. Yes.

14 Q. The characteristics of that person are male and
15 female, right?

16 A. Yes.

17 Q. Mainly white, but that is changing. Right?

18 A. Well, this is according to industry survey. I
19 hope it's changing.

20 Q. This is a presentation that Crystal Head Vodka
21 made to its importer, right?

22 A. Based upon industry surveys. I did not prepare
23 this, but it was presented to the importer, yeah.

24 Q. It was presented on behalf of Globefill, the
25 company?

1 A. Yes, it was.

2 Q. You said to Wilson Daniels that it has limited
3 ethnic exposure, right?

4 A. Again, this is a result of a survey in the white
5 spirits industry that seemed to indicate that statistic.
6 Again, I did not prepare this document. We presented it
7 as part of a data to try to isolate the demographic --
8 or widen our demographic.

9 Q. Let's go to the next page.

10 A. We would want to open that up. We don't want to
11 limit ethnic exposure. We want to open it up to all
12 ethnicities.

13 Q. This is a page that Globefill presented to Wilson
14 Daniels about who drinks the luxury vodkas, right?

15 A. Yes.

16 Q. And No. 2 says, "We can assume income plays an
17 even more important role than in the super category."
18 Right?

19 A. That is the assumption that is here.

20 Q. If you go to the second-to-last bullet point, it
21 says, "Most likely a professional of some sort," right?

22 A. Yes.

23 Q. If you go to page 755-9.

24 MR. BERG: Your Honor, may I interpose an
25 objection under Rule 406?

1 Mr. Hummel has raised a point that his
2 answers are completed by the second line of this page.

3 If I made read it to the jury?

4 THE COURT: Well, counsel will have an
5 opportunity for redirect.

6 BY MR. HUMMEL:

7 Q. If you look at page 755-9, there's an underline
8 of the second bullet. It says, "People that" --

9 "Who will drink Crystal Head," first of all,
10 is the title of this page, right?

11 A. Yes.

12 Q. The second bullet point, which is underscored,
13 says, "People that care about what is in their vodka."
14 Is that correct?

15 A. Yes.

16 Q. And this is an important selling point for
17 Crystal Head Vodka, the liquid that's actually in the
18 bottle, right?

19 A. It is.

20 Q. And the liquid that's in the bottle is marketed
21 as being absolutely pure, right?

22 A. It is marketed as such.

23 Q. In fact, you pride yourself as having a pure,
24 no-additive vodka, right?

25 A. We do.

1 Q. If you look at the bottom here, this again is
2 Globefill's presentation to its importer under, "Who
3 will drink Crystal Head Vodka?" You have -- the
4 second-to-last bullet point, it says, "Collectors, they
5 will not drink it, but they will buy it."

6 Do you see that?

7 A. I do.

8 Q. And you've had experience with collectors buying
9 a single bottle of Crystal Head Vodka, right?

10 A. We have.

11 Q. And then the last bullet point says, "It will not
12 be Goths or bikers to niche," right?

13 A. That's what it says. But that has changed.

14 Q. Again, this was Crystal Head Vodka's presentation
15 to its U.S. importer, right?

16 A. Yes. But Goths and bikers like our vodka.

17 Q. Now, Crystal Head Vodka was inspired by the
18 legend of the 13 crystal heads, right?

19 A. Our packaging, yes.

20 Q. In fact, Crystal Head Vodka is named after the
21 legend of 13 crystal heads?

22 A. It is. It's named after the crystal heads that
23 were part of the legend, yes.

24 Q. You've always been an avid researcher of the
25 legend of the 13 crystal heads, right?

1 A. Yes. Love a good story.

2 Q. In fact, you are a fourth generation of
3 researcher into mystical or spiritual phenomena, right?

4 A. My great-grandfather Sam Aykroyd was a dentist.
5 And he was an Edwardian spiritualist. We inherited that
6 interest in spirituality, yes.

7 Q. The 13 crystal heads have been found all around
8 the world, right?

9 A. Well, the legend is that there were 13 of them.
10 And that there are five in the possession of mankind and
11 eight of them are missing.

12 Now, there's two schools of thought. How
13 could they be circulated around the world? Some people
14 think it's a hoax.

15 The woman at the Smithsonian, she's
16 analyzing it. Says, no, no. They were all made in the
17 1800s by a German lapidary.

18 But I choose to believe the bright and
19 positive side of it, that they were really given to the
20 Navajo, the Aztecs and the Mayans. And that they were a
21 scrying device, and that they positivized the tribe's
22 energy. And that's why we stayed with the legend.

23 But no one can say whether they really
24 existed or not or whether they were from someplace in
25 the beyond.

1 It made a great marketing story. And one
2 which told our story of pure liquid and the cleanliness
3 of it.

4 Q. You believe Mr. Aykroyd that eight of the crystal
5 heads have actually been found on the earth, right?

6 A. Well, there are five -- there are five -- eight
7 in the possession of mankind. And five of them are
8 missing.

9 The owners purport to -- represent them as
10 the genuine Crystal Head and such. And Mitchell Hedges
11 found the first one. She was a little girl. She found
12 it. And subsequent to her death, she gave it to her
13 caretaker. He has it.

14 There's a woman in Mexico City that's got
15 one with a cross stuck right in the top of it. It's a
16 mini. How do you put that in there without breaking it?

17 There's one named Max owned by Phyllis
18 Newman.

19 And a few others around the world. They
20 speak of them as being the genuine artifacts.

21 Hewlett-Packard engineers took the Mitchell
22 Hedges skull in the 1960s and said, How could a solid
23 block of quartz be carved into this without splitting
24 it? So they believed that the age on these heads was
25 genuine.

1 Again, I can't speak with authority. I -- I
2 look at both sides of the myth. I look at the hoax side
3 of it and I look at the positive side of it, and come
4 down somewhere in the middle.

5 Q. You yourself believe that these crystal heads,
6 you know were placed on the earth by some aliens, right?

7 A. Well, the Navajo, the Aztec and the Mayans speak
8 about the star children, that they were delivered --

9 Q. I'm sorry, Mr. Aykroyd. I asked about your
10 belief.

11 MR. BERG: Pardon me. Your Honor, may I
12 object on grounds of relevance and materiality?

13 THE COURT: Yes. The objection is
14 overruled.

15 BY MR. HUMMEL:

16 Q. Okay. You --

17 A. I don't -- I would like to believe that because
18 it's such a positive story. But again, as I say,
19 there's a -- I look at both sides of the evidence. Some
20 believe it's a hoax, some believe it's not.

21 Personally I would like to believe that,
22 because I would say that's a part of my religious
23 makeup, is the belief in higher powers. And more -- and
24 positive energy from beyond that can help us here on
25 earth. Whether that be a God-head, whether that be the

1 cosmic engineer or alien species that have our
2 benevolent -- a benevolent view of mankind. I like to
3 believe that.

4 But I'm a pragmatist. So I also know that
5 there are some people that believe the whole thing's a
6 hoax.

7 Q. Now, there are some people that believe that
8 crystal heads are actual living things, right?

9 A. They -- the Navajo, the Aztec, the Mayans, they
10 believe that they were Santillan pieces of crystal that
11 would store energy, store images and they were living
12 things. That was what the nativist belief was, yes.

13 Q. And you believe that they are living things too,
14 right?

15 A. Again, I want to believe that there is power
16 there. I've seen the Mitchell Hedges skull. But people
17 reported to me that the Mitchell Hedges skull when it
18 was uncovered by the black velvet cloth that Anna kept
19 it in, a feeling of well-being and warmth would come
20 over the viewer.

21 And wouldn't that be a nice thing to believe
22 that there's such objects on this planet that would give
23 us that healing feeling. I want to believe that.

24 But again, I have to look at science. And
25 I've got to look at the woman at the Smithsonian that

1 says, you know, they really are not genuine. So I see
2 both sides of it.

3 Q. Would you agree that the head -- a head is a
4 living thing, and that's the way we connect to the
5 legend, positive thinking, positive drinking,
6 enlightenment from a replica of a living device used by
7 the average tribes -- is that a fair statement about the
8 connection of crystal skulls to Crystal Head Vodka?

9 A. Sure. I said that.

10 Q. Now, I think we are clear about this, but the
11 Crystal Head bottle you believe looks like the Mitchell
12 Hedges Crystal Head, right?

13 A. Yes.

14 Q. Now, the Mitchell Hedges skull is the purest and
15 the clearest of the 13 heads, right?

16 A. It is the prettiest. There's a green one;
17 there's an orange one. Two of them are owned by the
18 Victorian Museum in London -- or one of them is there.
19 Two of them are in the Smithsonian. And Phyllis
20 Newman's Max, and then the one with the cross. So all
21 of are them clear, except there's an orange one and a
22 cloudy green one. So the Mitchell Hedges is the
23 prettiest of them all.

24 Q. And it's the purest, right?

25 A. Well, purity. I don't know about pure. I don't

1 know how you can say pure. It's the most beautiful. I
2 wouldn't use the word pure in terms of like the image.
3 The fluid inside is pure.

4 Q. So we can agree that the legend of the 13 crystal
5 skulls has been used by Globefill as part of its sales
6 story, right?

7 A. Definitely.

8 Q. Even until this day, it is used as part of its
9 sales story, right?

10 A. Less so. We don't suppress it. People want to
11 talk about it in bars and bartenders wants to talk about
12 it, we do speak of it. But it's less. We apply it
13 less. Now we are more about the fluid in the bottle.
14 That's our marketing push now.

15 Q. When you sell the Crystal Head Vodka, you include
16 an insert in that box?

17 A. Yes.

18 Q. And the box tells the story of the purity of the
19 liquid, right -- the insert tells the story of the
20 purity of the liquid, right?

21 A. There are old inserts and there are new inserts.
22 I'm not sure which insert you're referring to.

23 Q. There are inserts that talked about the legends
24 of the 13 crystal skulls, right?

25 A. Yes, sir.

1 Q. Now, you're the public face -- there's no doubt
2 that you're the public face of Crystal Head Vodka,
3 right?

4 A. I am.

5 Q. And you worked tirelessly to promote Crystal Head
6 Vodka, right?

7 A. Pretty much full time now.

8 Q. And you use the legend in your own marketing of
9 Crystal Head Vodka, right?

10 A. If people inquire about it, I go through it. But
11 generally now in our bartender education sessions, we
12 don't volunteer that. We're more of a -- making
13 cocktail and recipes and the purity of the vodka and
14 the -- you know, the recipes. But I will talk about it
15 happily. I love talking about it. It's such a great
16 story.

17 Q. And over the years you've talked about the legend
18 and connected it to Crystal Head Vodka on TV, right?

19 A. Yes.

20 Q. And on radio?

21 A. Yes.

22 Q. Including the Howard Stern show?

23 A. Uh-huh.

24 Q. And in print media?

25 A. Yes.

1 Q. And you've also done that in YouTube videos?

2 A. Sure.

3 Q. You've done it at bottle signings?

4 A. I have.

5 Q. You've done it at industry events, right?

6 A. I have.

7 Q. In fact, you made a rather lengthy promotional
8 video right at the beginning in 2008 that talked all
9 about the legend, right?

10 A. Yes.

11 Q. You've also talked about the legend in 2009 when
12 you were out promoting Crystal Head, right?

13 A. Yes.

14 Q. And you made comments and connected the legend to
15 Crystal Head Vodka in 2010, right?

16 A. Yes.

17 Q. And you did the same thing in 2011, right?

18 A. Yes. Again, less so than in the beginning; but
19 yes.

20 Q. You continued to do that. In fact in 2012, you
21 gave an interview on Bloomberg where you talked about
22 the legends of the crystal heads, right?

23 A. Yes.

24 Q. And then in 2013 you made a YouTube video where
25 you talked all about the legend of the 13 crystal skulls

1 and connected it to Crystal Head vodka, right?

2 A. Yes.

3 Q. And in 2014 you made a presentation at Total Wine
4 & More where you talked all about Crystal Head Vodka and
5 the legend of the 13 crystal skulls, right?

6 A. Yes.

7 Q. And even today Crystal Head Vodka's Website
8 discusses the legend of the 13 crystal skulls, right?

9 A. It does. It's part of our story.

10 Q. Now you understand that KAH Tequila doesn't have
11 any connection to the 13 crystal skulls, right?

12 A. No. Yes, I understand that.

13 Q. You understand that KAH Tequila has a story
14 that's connected to the Day of the Dead, right?

15 A. I do.

16 Q. And as far as you know, is there any connection
17 between the legend of 13 Crystal skulls on one hand and
18 the Mesoamerican Day of the Dead celebration on the
19 other?

20 A. Only that they are associated with the same
21 geographical region of the world; Mexico, Central
22 America, South America. They're associated in that way.
23 But only in that way, I would say.

24 MR. HUMMEL: Your Honor, I would like to
25 read from Mr. Aykroyd's deposition.

1 THE COURT: Reference.

2 MR. BERG: May we have the reference?

3 MR. HUMMEL: Yes. It's page 37, lines 1
4 through 5.

5 MR. BERG: May we impose on the court
6 reporter to hear the question that was asked again, Your
7 Honor.

8 THE COURT: If the court reporter will read
9 back the outstanding question.

10 (RECORD READ.)

11 MR. BERG: We don't have any objection to
12 that, your Honor.

13 THE COURT: You have no objection to counsel
14 reading the portion of the deposition that he's
15 designated; is that correct?

16 MR. HUMMEL: Right.

17 THE COURT: Is that correct?

18 MR. HUMMEL: He has no objection.

19 THE COURT: Mr. Berg?

20 MR. HUMMEL: Mr. Berg.

21 MR. BERG: Your Honor?

22 THE COURT: You have no objection --

23 MR. BERG: No. No. I thought I -- yes,
24 ma'am.

25 THE COURT: All right. Counsel.

1 MR. HUMMEL: As far as you know -- this was
2 the question you were asked.

3 "QUESTION: As far as you know, is there any
4 connection between the legend of the 13 crystal skulls
5 on the one hand and the Mesoamerican Day of the Dead
6 celebration on the other?

7 "ANSWER: No.

8 BY MR. HUMMEL:

9 Q. The Mesoamerican Day of the Dead celebration
10 never entered into your design concept for Crystal Head
11 Vodka?

12 A. Never.

13 Q. During the design process for Crystal Head Vodka,
14 this period of years, there was no consideration
15 whatsoever to implementing design features that might
16 tie back to the Day of the Dead Celebration, correct?

17 A. No.

18 Q. No, it's correct?

19 A. Correct.

20 Q. In your view, KAH Tequila bottles do not evoke
21 any aspects of the legend of the 13 crystal skulls,
22 correct?

23 A. Only that they are -- it's a skull-shaped bottle.
24 That's the only connection.

25 MR. HUMMEL: I would like to read, Your

1 Honor, from Mr. Aykroyd's deposition, 228, lines 19
2 through 23.

3 MR. BERG: No objection, Your Honor.

4 THE COURT: All right. You may read it.

5 MR. HUMMEL: "QUESTION: In your view, do
6 the KAH bottles evoke any aspects of the legend of the
7 13 skulls?

8 "ANSWER: The 13 crystal heads?

9 "QUESTION: Yes.

10 "ANSWER: No.

11 BY MR. HUMMEL:

12 Q. In all of your research about the legend of the
13 13 crystal skulls, have you ever heard of the skulls or
14 the heads referred to as calaveras?

15 A. Well, calaveras is -- is it not, it's a Spanish
16 word for skull, calavera.

17 Q. Let me make sure I got my question. In
18 connection with your research into the legend of the 13
19 crystal skulls, have you ever seen the 13 crystal skulls
20 referred to as calaveras?

21 A. In the Spanish language, they would have had to
22 have been. But I've never seen them, no.

23 Q. The answer is no, right?

24 A. No. It's no.

25 Q. Now, I believe you acknowledged, Mr. Aykroyd,

1 that there are differences between the Crystal Head
2 Vodka bottle and the KAH Tequila bottles?

3 A. There are.

4 Q. In fact, there are substantial differences in
5 terms of the molding and painting?

6 A. There are differences in the paint and some of
7 the molding.

8 Q. There are substantial differences, right?

9 A. I wouldn't say substantial, no.

10 MR. HUMMEL: I would like to read from
11 Mr. Aykroyd's deposition, page 214, line 23 to page 215,
12 line 6.

13 THE COURT: Repeat the reference again,
14 please.

15 MR. HUMMEL: Sure. 214, line 23, to 215,
16 line 6.

17 MR. BERG: No objection, Your Honor.

18 THE COURT: You can read it.

19 MR. HUMMEL: "QUESTION: Do you notice any
20 differences between the KAH Tequila bottles and the
21 Crystal Head Vodka bottle?

22 "ANSWER: Well, they are substantially
23 different in terms of the molding and painting. But
24 they are still skulls. And they are saying to the
25 customer, 'I am a skull. I'm a painted skull, but I'm a

1 skull.'

2 "Of course I notice the differences."

3 MR. BERG: Your Honor, if I might rise to
4 correct the misreading. The word was consumer, not
5 customer.

6 And may we have that again?

7 THE COURT: Yes. Counsel reread it. If you
8 believe that you did not read it correctly.

9 MR. HUMMEL: I said customer? I thought I
10 said consumer.

11 THE COURT: So just read it again.

12 MR. HUMMEL: "QUESTION: Do you notice any
13 differences between the KAH Tequila bottles and the
14 Crystal Head Vodka bottle?

15 "ANSWER: Well, they are substantially
16 different in terms of the molding and painting. But
17 they are still skulls. And they're saying to the
18 consumer, 'I am a skull. I'm a painted skull, but I'm
19 still a skull.

20 "Of course I notice the differences."

21 BY MR. HUMMEL:

22 Q. So your testimony is that they are skulls in
23 general appearance, but they have substantial
24 differences, correct?

25 A. Both are skull-shaped vessels conveying alcohol.

1 And I have said on the stand today that they do have
2 differences, yes.

3 Q. In fact, the Crystal Head Vodka bottle is shaped
4 like an anatomically correct human skull, correct?

5 A. As close as one could get, I guess, to an
6 anatomically correct skull. But, you know -- again, if
7 it wasn't anatomically -- I would say as close as one
8 could get to an anatomically correct skull, yes.

9 Q. Would you say it's an accurate glass rendering of
10 a human skull?

11 A. Well, an infant skull? A small woman's skull?
12 It's as close a rendering as we could get. I would say
13 close to the anatomy of a real skull, sure.

14 Q. Do you believe this is an accurate glass
15 rendering of a human skull, sir?

16 A. As I look at it today, it is not entirely
17 accurate. But it has anatomical features. But not
18 entirely accurate. You know, you couldn't say that
19 really.

20 Q. All right.

21 MR. HUMMEL: Can I play -- this is a video.
22 I would like to play a clip from Exhibit 626, Your
23 Honor.

24 This is in evidence. So can you play it,
25 please.

1 (VIDEO PLAYED.)

2 BY MR. HUMMEL:

3 Q. Now, the KAH Tequila bottle was originally made
4 out of glass, right?

5 A. Yes.

6 Q. And then at some point in time, the production
7 was switched to ceramic, right?

8 A. As far as I understand, yes.

9 Q. And, in fact, you know that the KAH Tequila
10 bottles after about 2011 were switched to ceramic,
11 right?

12 A. Yes.

13 Q. And now you said on direct that you had made an
14 offhand comment in anger I believe about the KAH Tequila
15 bottle looking like a monkey; is that correct?

16 A. I said that. In emotional heat, yes.

17 Q. You said that right after KAH Tequila was
18 introduced?

19 A. Upon seeing the bottle and -- the actual bottle.

20 Q. And then you regretted making that statement, I
21 think?

22 A. Well, it was an insult. I don't -- I don't feel
23 that way now.

24 Q. And you didn't feel that way after making the
25 first comment?

1 A. Again, I was angry. And it was an insulting
2 thing to say.

3 Q. So that was back in 2010?

4 A. Yes.

5 Q. And do you recall also making that comment at
6 your deposition in 2013?

7 A. About?

8 Q. About the monkey skull.

9 A. I don't recall. I don't recall that, no.

10 MR. HUMMEL: I would like to read, Your
11 Honor, from Mr. Aykroyd's deposition, page 212, line 23
12 to page 213, line 5.

13 THE COURT: Repeat the reference again,
14 please.

15 MR. HUMMEL: It's 212, line 23 to 213, line
16 5.

17 MR. BERG: Objection, Your Honor. This is
18 not proper impeachment. We would ask the Court to
19 review that. The question was --

20 THE COURT: I will review it.

21 MR. BERG: Thank you, ma'am.

22 THE COURT: The Court would sustain the
23 objection and find it was not impeaching.

24 BY MR. HUMMEL:

25 Q. Do you recall making the comment that the KAH

1 Tequila bottle looked like a monkey sometime after 2010?

2 A. Yes. I did say that in a statement in
3 preparation. I did say it again. Yeah.

4 Q. When did you say it again, sir?

5 A. In -- being deposed.

6 Q. And that was in 2013?

7 A. Yes. I -- I think so, yeah.

8 Q. Now, you believed that the KAH Tequila bottles
9 are much rounder than the Crystal Head vodka bottle,
10 right?

11 A. Well, I don't know if they are equally as round.
12 But they are both spheres. And they are equally as
13 round. And they contain the same volume.

14 And, you know, as I said, there is
15 difference in the width of the skull at the head in the
16 back.

17 Q. Mr. Aykroyd, would you agree with me that the KAH
18 Tequila bottles are much rounder than the Crystal Head
19 Vodka bottle?

20 A. No, I don't agree.

21 MR. HUMMEL: Your Honor, I would like to
22 read from Mr. Aykroyd's deposition page 216, line 1
23 through 4.

24 MR. BERG: Your Honor, may I ask the Court
25 to please review this. That's -- we object.

1 THE COURT: Yes. I'm reviewing it now.

2 (PAUSE.)

3 THE COURT: Yes. Counsel may read it.

4 MR. HUMMEL: "QUESTION: And you would agree
5 with me that the bottles are much rounder than the
6 Crystal Head Vodka bottle?

7 "ANSWER: They are a rounder skull."

8 THE WITNESS: I don't believe that today.
9 They don't look rounder to me.

10 If I said that then, that's what I thought
11 then. So --

12 BY MR. HUMMEL:

13 Q. The Crystal Head Vodka bottle is narrower than
14 the KAH Tequila bottles, right?

15 A. It is.

16 Q. And the Crystal Head bottle is taller than the
17 KAH Tequila bottles, right?

18 A. Yes.

19 Q. And you did a demonstration where you put a roll
20 of tape under the KAH Tequila bottle?

21 A. Yes.

22 Q. In the real world, the KAH Tequila bottle is not
23 propped up by rolls of tape, right?

24 A. It does not have a base under it as ours does,
25 correct.

1 Q. It lies flat, correct?

2 A. It does.

3 Q. And the Crystal Head Vodka bottle has this
4 feature here, right?

5 A. Correct.

6 Q. And this feature, this base you call the ashtray,
7 right?

8 A. That's been referred to as the ashtray, yes,
9 uh-huh.

10 Q. Right. So the Crystal Head Vodka bottle has an
11 ashtray, and the KAH Tequila bottle has a flat bottom,
12 right?

13 A. Correct.

14 Q. Now, the Crystal Head vodka bottle has an
15 indentation at the temples, right?

16 A. It does.

17 Q. You can actually pick it up by the indentation in
18 the temples, right?

19 A. Yes.

20 Q. And the KAH Tequila bottles do not have an
21 indentation at the temples, right?

22 A. This one has an indentation. I am looking at the
23 -- this bottle right here. It has an indentation right
24 there behind the eye socket, above the cheek bone.

25 Q. So you believe that there's an indentation here

1 above the cheek?

2 A. As I look at this bottle today and hold it, yes,
3 I believe there's an indentation there.

4 Q. The KAH Tequila bottle, while we're talking about
5 the cheek, has a pronounced cheek, right?

6 A. Yes.

7 Q. And the Crystal Head Vodka bottle does not have
8 that pronounced cheek, right?

9 A. Not as pronounced.

10 Q. The -- you would agree with me that the
11 indentation as you see it on the KAH Tequila bottle
12 which you put right above this cheek, that that's is not
13 nearly as deep as the indentation in the Crystal Head
14 Vodka bottle, right?

15 A. It is not.

16 Q. And, actually, the cheek is an important feature
17 of the Crystal Head Vodka bottle, right?

18 A. It is.

19 Q. It's a feature that evolved during the design and
20 which is in your view distinctive, right?

21 A. It's distinctive, sure.

22 Q. And it evolved during the design, right?

23 A. Well, it was in the original drawing. It was in
24 the original drawings. So it evolved from John's
25 drawing to final production in the way we see it here.

1 Q. Now, you think you testified that the mouth of
2 the Crystal Head Vodka bottle is open, right?

3 A. Yes, it is open. Grinning, smiling.

4 Q. And that's intentionally so, right?

5 A. It is.

6 Q. And the KAH Tequila bottle does not have an open
7 mouth, right?

8 A. It has a painted smile.

9 Q. Has a painted series of teeth, and the teeth are
10 clenched closed, right?

11 A. That's correct.

12 Q. And that's a difference between the two bottles
13 also, right, sir?

14 A. That's a difference.

15 Q. On the Crystal Head Vodka bottle, it has a lot of
16 contours, including the teeth, which create a certain
17 look and feel, right?

18 A. Yes.

19 Q. And on the KAH Tequila bottles, it's entirely
20 smooth to the touch, right?

21 A. Yes.

22 Q. If you're having trouble, you can pick it up.

23 A. Yes. Well, except for the nose. The nose has a
24 profile as does ours. It is exactly one inch across the
25 bottom, so...

1 The mouth is smooth, but not the nose part.
2 It's basically the same volume there.

3 Q. And it's smooth throughout? The texture is
4 smooth on the KAH Tequila bottle, right?

5 A. It is. Again, the nose, it protrudes as ours
6 does.

7 Q. Does -- the nose protrudes -- you're making the
8 -- keep wanting to make the distinction that the nose
9 protrudes. And you're -- you're talking about this
10 little bump that's here on the KAH Tequila bottle,
11 right?

12 A. Right. Uh-huh.

13 Q. You're also then comparing that with this nose
14 here on the Crystal Head Vodka bottle, right?

15 A. Yep.

16 Q. And on the Crystal Head Vodka bottle, it's much
17 more pronounced, isn't it?

18 A. It is.

19 Q. Now, this is obvious, but the Crystal Head Vodka
20 bottle is clear, right?

21 A. It is.

22 Q. And all the KAH Tequila bottles are painted?

23 A. They are.

24 Q. The Crystal Head Vodka bottle has no decoration,
25 design on it at all?

1 A. No.

2 Q. And the KAH Tequila bottles, in fact, have
3 elaborate decorations, right?

4 A. Yes.

5 Q. Including on the Reposado bottle an image of el
6 diablito, right, the little devil?

7 A. Uh-huh.

8 Q. Now, you talked about bit about the cap also.
9 And maybe before I get to the cap -- so I'll withdraw
10 that. I'll say: Each of the KAH Tequila bottles says
11 quite clearly in the front "KAH," right?

12 A. Yes.

13 Q. It says right there on the cap for everyone to
14 see, K-A-H, right?

15 A. It does.

16 Q. And it describes it as being whatever the type of
17 tequila it is, right?

18 A. Right.

19 Q. And the Crystal Head Vodka bottle has no text at
20 all in the front, right?

21 A. No.

22 Q. But on the back of the bottle there is text on
23 the KAH Tequila bottles telling you who the producer is,
24 correct?

25 A. Correct.

1 Q. And on the Crystal Head Vodka bottle, the
2 producer is on the back of the bottle, right?

3 A. Correct.

4 Q. It also identifies the producer and the importer,
5 correct?

6 A. Yes.

7 Q. So let's talk about the cap for a second.
8 Crystal Head Vodka uses a wood cap, right?

9 A. It does.

10 Q. And KAH Tequila uses a plastic cap, right?

11 A. Yes.

12 Q. And KAH Tequila actually identifies itself on the
13 cap as KAH Tequila, right?

14 A. It does.

15 Q. And on the cap of the Crystal Head Vodka bottle,
16 there is something completely different, right, if you
17 look at it?

18 A. There is.

19 Q. The cap of the Crystal Head Vodka bottle has a
20 stag, right?

21 A. Yes.

22 Q. And it has -- and the stag is the Aykroyd family
23 crest, right?

24 A. A component of it.

25 Q. There is a crescent, right?

1 A. Yes.

2 Q. And the crescent is intended to convey the City
3 of New Orleans, right?

4 A. An affection to the City of New Orleans.

5 Q. And then these other characters which are the
6 fleur-de-lis?

7 A. The fleur-de-lis, celebrating the Province of
8 Quebec and the state of Louisiana.

9 Q. And it also says, "Crystal Head Vodka, Crystal
10 Head" on the cap, right?

11 A. It does.

12 Q. And it identifies as being a triple distilled
13 vodka?

14 A. It does.

15 Q. The overall impression of this cap is meant to
16 create the sense of a dubloon, a Spanish dubloon, right?

17 A. Yes.

18 Q. And you associate that with pirates, right, and
19 buccaneers?

20 A. Sure.

21 Q. Sure? Or you do? Are you agreeing with me today
22 or do you actually believe it?

23 A. Well, I associate dubloons with -- you know,
24 with -- well, not only pirates and buccaneers but the
25 great Spanish fleet that came over and conquered South

1 America. The treasure that was taken out of South
2 America, the pieces of eight, the doubloons. I associate
3 them with King Philip of Spain and his wealth, as well
4 as pirates and buccaneers.

5 Q. The reason that the -- sorry. Did you finish?

6 A. Yes.

7 Q. The reason that the dubloon is there is to make
8 an association with skulls of pirates or buccaneers,
9 right?

10 A. More the gold, the pieces of eight, the gold that
11 was in treasure ships. And one could make that
12 association, sure.

13 Q. Well, you would make the association? You would
14 make it a reference to buccaneers and pirates and that
15 kind of aspect of skulls, right?

16 A. One could do that.

17 Q. And you do that, right?

18 A. I do. But, again, you evoke so much history when
19 you look at that. The cross and the pieces of eight, I
20 think of the -- you know, the conquest of the New World
21 and the treasures that came out of South America, the
22 gold mines and stuff.

23 Q. Let me move on to another topic. So you often
24 describe Crystal Head Vodka as being a pure spirit,
25 right?

1 A. Yes.

2 Q. And one of the ways you differentiate Crystal
3 Head Vodka as we discussed before is it has no
4 additives, right?

5 A. No additives.

6 Q. One of the other differentiating factors that you
7 use for Crystal Head Vodka is that it's from pristine
8 Newfoundland glacial water, right?

9 A. Correct.

10 Q. And you also differentiate Crystal Head Vodka by
11 saying that it's filtered many times, right?

12 A. Seven times, yes.

13 Q. And the last time it's filtered through something
14 called Herkimer diamonds, right?

15 A. Herkimer diamonds, correct.

16 Q. In your view, filtering the Crystal Head Vodka
17 through the Herkimer diamonds adds the last spiritual
18 psychic touch to the vodka, right?

19 A. Well, Herkimer diamonds are a double-sided quartz
20 crystal. They're found in only two parts of the world,
21 Afghanistan and upstate New York. They have a
22 mysterious property to them. They are only found there.
23 And they are beautiful, double-ended quartz crystals.

24 They are commonly used in the distillery
25 industry. And when we do our pour, we do our pour --

1 we've done it where we don't pour it through the diamond
2 cone. We've done it where we pour it through the
3 diamond cone. And in tests, people like it poured
4 through the diamond cone.

5 Now, if you went to your high school
6 chemistry teacher and said, What does pouring alcohol
7 over Herkimer diamonds do for your fluid? They'd say,
8 Well, nothing.

9 But, you know, we are here in the realm of
10 the spiritual in our marketing. And people do like the
11 taste. And, honestly, when we pour the vodka through
12 the cone, it just has that beautiful, satiny finish.
13 And it's the touch that I like.

14 When I found out that other vodka producers
15 used Herkimer diamonds, they said, Throw them in there,
16 they kind of fit with our legend.

17 Q. Next topic. You've never considered putting
18 tequila in Crystal Head Vodka's bottle, right?

19 A. Well --

20 MR. BERG: Excuse me, your Honor. May we
21 have a date? That's vague. Could we have a time
22 period?

23 THE COURT: Yes. If counsel will include a
24 time period. "Never" --

25 THE WITNESS: We never have.

1 THE COURT: -- is broad.

2 THE WITNESS: Never have considered.

3 MR. HUMMEL: It was intended to be broad,
4 Your Honor.

5 MR. BERG: I'll withdraw my objection.

6 THE WITNESS: To answer your question,
7 again, we did not consider it because of my association
8 with Patron.

9 BY MR. HUMMEL:

10 Q. And you -- but you've always wanted to put vodka
11 in the Crystal Head Vodka bottle, right?

12 A. Yes.

13 Q. And Crystal Head Vodka has not -- sorry.
14 Withdraw that.

15 Globefill has never introduced tequila in
16 this bottle, right?

17 A. No.

18 Q. And to your knowledge, KAH has never introduced a
19 vodka in this bottle?

20 A. No.

21 Q. Or this bottle?

22 A. No.

23 Q. Or any of other KAH Tequila bottles?

24 A. No.

25 Q. Now, Globefill is not the first entity to ever

1 put alcohol in a skull, right?

2 A. I am not aware of any other brand that has
3 alcohol in a skull.

4 Q. What about other types of alcohol, like medicinal
5 alcohol; that has been input in skulls before, right?

6 A. At the turn of the century there would have been
7 medicinal alcohol put into skulls.

8 Laudanum, which is opium, was a liquid form.
9 And there are some old skull bottles that had laudanum
10 in them, and there would have had alcohol in them, yes.
11 In medicinal proportions.

12 Q. And industrial, right, also?

13 A. I suppose. But not 40 proof potable alcohol.

14 Q. I think you testified a little bit about going to
15 bottle signings; is that correct?

16 A. Yes, sir.

17 Q. And you go -- you've done about a hundred of
18 them, I think?

19 A. More than that.

20 Q. Is correct that you've signed about a quarter of
21 a million bottles of Crystal Head Vodka?

22 A. That's way beyond, that estimate. I would say
23 100,000. About a hundred thousand. About a hundred
24 thousand.

25 Q. Mr. Aykroyd, you would agree with me that these

1 KAH Tequila bottles are neat, right?

2 A. Are...

3 Q. They're neat?

4 A. They are neat.

5 Q. And they speak to Kim Brandi's artistic
6 abilities, right?

7 A. No one's denying Kim Brandi's artistic abilities
8 or her eureka moment when she saw an opportunity to do a
9 quick-follow product after ours. No one is denying
10 that.

11 Q. No one is denying that Ms. Brandi is an
12 entrepreneurist, right?

13 A. Certainly, certainly not. But -- yeah, an
14 entrepreneurist who saw an opportunity and took
15 advantage of it and made a mistake. Let's just say
16 that. She made a mistake. By infringing on our trade
17 dress.

18 Q. You think that the KAH Tequila bottles have a
19 pleasing appearance, right?

20 A. You know, I do now. I do.

21 Q. You, I think, alluded to this in your direct, but
22 you would have no objection to Ms. Brandi selling other
23 products in her bottles, right?

24 A. Whatever she would like, as long as it's not
25 beverage alcohol in a skull-shaped design as defined by

1 our trade dress. But we're true to fact, we were in the
2 market first.

3 Q. And the specific things that you suggested that
4 she sell were salsa or honey, or moly, or maybe peppers
5 in her calaveras, right?

6 A. I love honey, salsa, moly and peppers.

7 Q. Those things are things that you think Ms. Kim
8 Brandi should sell in her bottles, right?

9 A. Well, as food stuff, sure, salt, pepper. I mean,
10 Kim Brandi could probably take and put motor oil in
11 there, whatever she'd like, as long as it's not alcohol.
12 That is my point.

13 Q. You don't want her to sell any alcohol in her KAH
14 Tequila calaveras, right?

15 A. Because we have rights to this trade dress,
16 skull-shaped bottle with alcohol. And anything she
17 would like to put in that, other than alcohol, I have no
18 problem with that.

19 Q. Wouldn't matter if she wanted to put tequila,
20 like she does, or gin or whisky or any other type of
21 alcohol, it wouldn't matter to you; you want to keep her
22 off the market?

23 A. We don't want to keep a -- we don't want to keep
24 her off the market. We do not want to keep her off the
25 market. That is incorrect.

1 We merely want to protect our trade dress.
2 And if Kim came up with a -- say another design for a
3 tequila bottle that she put a skull on it embossed, a
4 nice little jug, you know what, put it right next to
5 ours, we'd have no problem.

6 Q. You don't want her to put --

7 THE COURT: Excuse me for a moment. I just
8 want to ask counsel about how much longer are you likely
9 to be?

10 MR. HUMMEL: Like two minutes, Your Honor.

11 THE COURT: All right.

12 BY MR. HUMMEL:

13 Q. Let's be clear, Mr. Aykroyd, you don't want her
14 to put tequila in any skull-shaped bottle, right?

15 A. That's why we are here.

16 Q. She can -- there are no alterations she can make
17 to this bottle to make it work for you, right?

18 A. Yes. There is an alteration.

19 Q. What would that be, sir?

20 A. To eliminate the resemblance and the replication
21 of a skull-shaped design.

22 Q. So as long as she has a skull-shaped design, you
23 want her to stop selling KAH Tequila, right?

24 A. We believe it infringes on our trade dress and
25 hurts our company and makes people believe that we are

1 now in the line extension of tequila and we are not.

2 Q. And your view is that any alcohol in any
3 face-shaped or head-shaped or skull-shaped bottle would
4 infringe your trade dress, right?

5 A. Yes, we do believe that.

6 Q. So you claim an absolute right to the use of a
7 head-shaped bottle or a skull-shaped bottle?

8 A. As Coca-Cola does to their design; as Nike does
9 to their swoosh; as any trade dress which claimed
10 exclusive exclusivity, yes.

11 Q. So the answer is yes, any skull-shaped bottle, no
12 matter how different to Crystal Head Vodka you claim is
13 covered by your trade dress; is that correct?

14 A. Yes, sir.

15 Q. You want an absolute right to sell in the United
16 States alcohol in a skull-shaped bottle, right?

17 A. Just like Nike does -- sells with their swoosh.
18 Just like Coca-Cola does with their Coke design. Like
19 Pepsi does with their bottle. This is our trade dress.
20 This is our company life right here. So we have to
21 protect it.

22 Q. The answer to my question is --

23 A. We're not here -- Brandi or anybody else. She's
24 a hero.

25 THE COURT: Excuse me. I think you've

1 answered the question.

2 THE WITNESS: Sure. Sure. Excuse me, Your
3 Honor.

4 MR. HUMMEL: No further questions, Your
5 Honor.

6 THE COURT: I assume there's redirect. But
7 how long?

8 MR. BERG: Ten minutes at most, Your Honor.
9 If the jury can stand that.

10 THE COURT: Well, I will -- if we don't have
11 to take a recess, then I let you finish.

12 Does any -- any of the jurors feel the need
13 for a recess? Apparently not. So counsel may proceed.

14 Oh, I'm sorry. Mr. Miller asked me to not
15 forget that he wanted to conduct some examination. And
16 I did forget.

17 Mr. Miller.

18 MR. MILLER: It's all right, your Honor. I
19 have that effect on people.

20 **CROSS-EXAMINATION**

21 BY MR. MILLER:

22 Q. Just a few questions, Mr. Aykroyd.

23 A. Certainly.

24 Q. The early broken bottles back in 2007, when you
25 had -- I think -- I believe it was about 400 different

1 bottle iterations that broke in the design process.

2 Do you recall that?

3 A. We -- what happened was, the bottles went through
4 the fire, went through the line. And they just didn't
5 hold up. And it wasn't until we got to about the 400th
6 bottle in the first run that we had an integral product.

7 Q. Was there tweaking to the product that helped fix
8 the problem?

9 A. At the factory. In terms of the heat of the
10 furnaces and the molding process there. We didn't tweak
11 it. It was them that tweaked to get it right.

12 They had the mold. The mold was finalized.
13 But they had to play around with furnace temperature and
14 that stuff.

15 Q. Did you take photographs of the failed efforts of
16 the bottle?

17 A. I did not personally take any photographs. But I
18 think there's evidence of a failure that was forwarded
19 to us by Bruni.

20 MR. MILLER: Okay. I haven't seen those.

21 BY MR. MILLER:

22 Q. Did you take photographs like any of the earlier
23 prototypes for the bottles?

24 A. Yes. I didn't personally. But, you know, Bruni
25 would have, I suppose.

1 Q. Is Crystal Head Vodka currently available for
2 sale in Mexico?

3 A. I'm not sure. I don't know.

4 MR. MILLER: That's all I have. Thank you,
5 sir.

6 THE COURT: Redirect?

7 **REDIRECT EXAMINATION**

8 BY MR. BERG:

9 Q. Mr. Aykroyd, let me point your attention first to
10 Exhibit 755.

11 MR. BERG: If Willow will bring that up.

12 Could we go to just 755 to remind the jury
13 what this was.

14 BY MR. BERG:

15 Q. Tell us -- this is a presentation to Wilson
16 Daniels. If you'll tell us who Wilson Daniels is, sir?

17 A. Wilson Daniels is a sub group of Infinium --
18 essentially importer of the product.

19 So Wilson Daniels was acquired by Infinium
20 is now under the Infinium umbrella. Same company
21 basically.

22 Q. Could you tell us, sir, who put this together?

23 A. That was put together in the Globefill offices.

24 Q. What was --

25 A. By one --

1 Q. I'm sorry.

2 A. By one of our executives who is no longer with
3 us.

4 Q. And what was it based on?

5 A. It was based on industry studies.

6 Q. You remember counsel took you to page 755-6.
7 Let's go there. He pointed out: "Who drinks the super
8 premium vodkas?"

9 And on that page, he pointed out, "Mainly
10 white, but that is changing."

11 When was this presentation made, by the way?

12 A. Probably '07.

13 Q. '07?

14 A. I think so.

15 Q. Counsel did not -- went to the next page.

16 MR. BERG: If we could go to the next page.

17 BY MR. BERG:

18 Q. For reasons best known to him, did not point this
19 sentence out (indicating).

20 Now, was this based on industry studies,
21 sir?

22 A. It was based on some industry study.

23 Q. And what was this business about white people?
24 Is that part of the demographic of people at the time
25 who drank vodka?

1 A. I guess according to the industry study this was
2 based on, the data seemed to indicate that.

3 Q. In your experience, as the study said, has that
4 demographic changed?

5 A. For our product?

6 Q. Yes.

7 A. Oh, yes.

8 Q. To whom do you sell your product?

9 A. Everyone.

10 Q. Where it says "Goths and bikers are not likely to
11 drink your vodka"; is that true?

12 A. No. I know quite a few motorcycle enthusiasts
13 who enjoy the product. In fact, theirs is a Goth bar in
14 Hollywood they've totally devoted a wall to the product,
15 and Goths and bikers have embraced it.

16 Q. Counsel also said -- pointed to the trademark.

17 MR. BERG: Let's go to 700 if we can. I
18 want to see if I can figure this out myself.

19 If we can blow up the trademark, the
20 principal register, the first line there.

21 BY MR. BERG:

22 Q. Now, let me ask you: As a businessman, do you
23 have an understanding of the difference between trade
24 dress rights and trademark rights?

25 A. I believe I do.

1 Q. Do trademark rights exist without a trademark?

2 A. Trade dress rights?

3 Q. I'm sorry. Trade dress rights, yes.

4 A. Trade dress rights exist by being in the market
5 first, being in the commerce first, you get your rights
6 to your trade dress, without having to have a trademark.

7 Q. And counsel said -- spoke about the cap. And he
8 said, You don't have a trademark on the cap, it's on the
9 bottle itself, the skull-shaped bottle.

10 Do you remember that?

11 A. Right. No. Yes. That's what it says in the
12 registration.

13 MR. BERG: Now, could we go back to 574-A,
14 the lower left-hand corner.

15 BY MR. BERG:

16 Q. Is it a fair statement that trade dress applies
17 to the full appearance of your bottle, sir?

18 A. Yes.

19 Q. And did you have the trade dress rights in that
20 cap, sir?

21 A. Do we have a trade dress right in the cap?

22 Q. Yes.

23 A. Not according -- well, in trade dress, we do,
24 yes.

25 We have a trade dress right to whatever was

1 in the -- whatever package went up into the market
2 first, we have a trade dress right to, yes.

3 Q. And this brown cap, did you give Ms. Brandi
4 permission to use that in her mold?

5 A. No.

6 Q. And are you convinced that's your cap?

7 A. The facet, the brown, it really looks like one of
8 our caps that came right off her bottle and that she was
9 utilizing in the production of her near exact replica.

10 Q. Counsel pointed out on that trademark --

11 MR. BERG: We don't have to go back to that.
12 If you will take that down.

13 BY MR. BERG:

14 Q. Counsel pointed out that the lawyers, your
15 lawyers then disclaim color.

16 Do you remember that?

17 A. So it says in the document.

18 Q. Did anywhere -- did your lawyers disclaim
19 trademark rights to a skull-shaped bottle?

20 A. No.

21 Q. Does the color make any difference? If you paint
22 your bottle -- if you paint a skull-shaped bottle, as
23 Ms. Brandi did, does that make any difference to you and
24 why you're in Court?

25 A. No. It's still a skull-shaped design purveying

1 alcohol, painted or not.

2 Q. Do you remember what -- Mr. Alexander's testimony
3 about creating illusions?

4 A. Yes.

5 Q. And, clearly, there are many tiny, little
6 differences in these bottles and some substantial
7 differences, true?

8 A. I agree.

9 Q. What is the illusion that is created when you
10 hold -- show those bottles side by side and at the same
11 angle?

12 A. It is the illusion of sister skulls. One
13 associated with the other.

14 Q. Is this case, in your mind, sir, about the
15 dissimilarities in those bottles or about the
16 similarities in those bottles?

17 A. Oh, unquestionably the similarities in the
18 replica of our original creative design.

19 Q. When Mr. Hummel questioned you about your
20 religious beliefs earlier, did you mean to imply that
21 that's the only basis for marketing of Crystal Head
22 Vodka?

23 A. Oh, no. We market on the quality of our fluid
24 and the unique design package.

25 Q. Does the fact that Ms. Brandi marketed on Day of

1 the Dead and you marketed it first, at least, for a
2 couple years, on the legend of the 13 crystal skulls,
3 does that change the fact for you that those bottles --
4 that her bottle is a knockoff of yours?

5 A. It does not change that fact. Two separate
6 marketing stories; two similar skulls.

7 MR. BERG: Pass the witness.

8 THE COURT: The witness may step down.

9 And we will recess today. And we will
10 return tomorrow morning at 8 o'clock.

11 Tomorrow's schedule, the jury will be
12 recessed no later than 12. 12, noon.

13 You are excused for now. See you tomorrow
14 morning at 8:00 o'clock.

15 THE CLERK: Please rise.

16 (JURY EXCUSED.)

17 THE COURT: Just a couple of comments for
18 tomorrow. My expectation is that the plaintiffs will
19 rest tomorrow subject to the right to reopen for
20 purposes of offering exhibits, if you should discover
21 that there are some that are not in evidence that you
22 believe to be in evidence.

23 Is that correct?

24 MR. BERG: That is correct, Your Honor. And
25 specifically as Mr. Vera informed the Court, we will

1 have a proffer of the existing trademarks.

2 THE COURT: I'm actually prepared to listen
3 to that proffer today if those who are going to make the
4 proffer are here. Just as I think about the planning, I
5 will read the designations of the deposition this
6 evening. And as I indicated we'll meet early tomorrow
7 and the Court will rule. But you will need time to make
8 any adjustments. So maybe it is better for me to hear
9 the proffer, if everyone is here and ready to make that
10 proffer, before I read rather than after I read. So i
11 don't know if you're ready to do that or not.

12 MR. BERG: My counsel -- my esteemed
13 colleague Mr. Vera is shaking his head in frustration, I
14 think.

15 MR. VERA: Your Honor, maybe I was not
16 clear. We were talking about two things. One is the
17 oral argument on the designations. And another is a
18 separate proffer on the trademarks for which we would
19 like to have all the trademarks lined out and that
20 organized. So those are two different things.

21 And if Your Honor has any desire to hear
22 argument on the designations, then, yes, we can do that
23 now. But not on the trademark proffer.

24 THE COURT: All right. I am prepared to
25 listen to the argument on the designations if defense

1 counsel is prepared to do that. But you may not be
2 prepared. I said differently this morning. But I
3 thought if you were ready to do it now, I would just
4 listen.

5 MR. HUMMEL: Your Honor, I actually excused
6 Ms. Rettig so I'm not prepared.

7 THE COURT: All right. So we'll go back to
8 the original plan and meet tomorrow morning.

9 MR. HUMMEL: Thank you, your Honor.

10 THE COURT: So let me ask the defense, if
11 the plaintiff is going to rest the first thing tomorrow,
12 other than the deposition that's outstanding that needs
13 to be read and ruled on and certain arguments made, are
14 you prepared to go forward with other witnesses?

15 MR. HUMMEL: Yes. We are prepared to go
16 forward with -- I think with the video witness tomorrow
17 morning.

18 THE COURT: How long do you think that will
19 take?

20 MR. HUMMEL: I lost my sheet of paper that
21 has my timing, but I think it was 45 minutes for ours.

22 THE COURT: And then once the video is
23 played, who would be the next witness to be called in by
24 the defense?

25 MR. MILLER: Your Honor, the video is

1 actually a live testimony like we did today.

2 MR. HUMMEL: Sorry.

3 THE COURT: The witness testifying by video?

4 MR. HUMMEL: We have a witness testifying by
5 video, and then we have a video, which I believe we will
6 be able to get together. I think that's what we have.

7 THE COURT: Just trying to figure out
8 whether or not we will have enough to complete the
9 session tomorrow.

10 So I have the 45 minutes with the witness
11 who will be testifying by depo. And then what else?

12 MR. HUMMEL: Well, it's 45 minutes on our
13 side. I'm not sure how much cross will --

14 THE COURT: How much cross?

15 MS. KIM: Probably around 30, Your Honor.

16 THE COURT: Just to make sure we are talking
17 about the same thing, I'm asking about the witness who
18 will be testifying by video --

19 MS. KIM: Right.

20 THE COURT: -- as we this morning.

21 MR. HUMMEL: Yes, just to be clear, we will
22 use names maybe. Just to be clear. Videotape witness.

23 So Mr. Poret is going to testify on the
24 screen here. He is going to go 45 minutes on direct and
25 about a half an hour on cross. So that gets us about an

1 hour and 15 minutes.

2 THE COURT: That's what I understood.

3 MR. HUMMEL: And the videotape itself is I
4 believe is an hour and a half, hour and 15 minutes,
5 somewhere around there. Hour and 15 minutes.

6 THE COURT: So the videotape itself, you are
7 referring to the deposition?

8 MR. HUMMEL: Escarcega, correct.

9 THE COURT: That needs the Court to rule on
10 objections to?

11 MR. HUMMEL: Correct.

12 THE COURT: And adjustments would have to be
13 made depending upon how the Court rules.

14 MR. HUMMEL: These guys are unbelievable.
15 They can do it.

16 THE COURT: So I'm just not sure that -- so
17 how long is that videotape deposition?

18 MR. HUMMEL: I think that videotape
19 deposition is about an hour and 15 minutes, Your Honor.

20 I could have another witness here. But I
21 would rather not have him wait if he is not going to
22 testify.

23 THE COURT: Who would the other witness be?

24 MR. HUMMEL: Mr. Zeigler.

25 THE COURT: And what is the time estimate of

1 his direct?

2 MR. HUMMEL: If we have time, he can come
3 tomorrow, I think the direct will be about 10 minutes,
4 15 minutes maybe. Short.

5 THE COURT: And the cross, similar,
6 probably?

7 MS. KIM: Yes, Your Honor.

8 THE COURT: All right. Then I will just
9 make sure that I am ready to give counsel the rulings on
10 the video deposition tomorrow. I will listen to the
11 arguments. And I think the Court suggested 7:00 o'clock
12 and no one seemed to object to that. So we'll meet here
13 tomorrow morning at 7 o'clock. I will be prepared to
14 listen to the argument that's going to be made
15 concerning the video deposition and issue the rulings on
16 the video deposition prior to Mr. Poret's testimony. So
17 that would be of those who need to make adjustments to
18 the video time to do that.

19 MR. HUMMEL: Thank you, Your Honor.

20 THE COURT: So that should work.

21 MR. HUMMEL: Thank you, Your Honor.

22 THE COURT: Are there other matters to be
23 discussed tonight? I think I've provided the proposed
24 jury instructions and the verdict form. We are not
25 going to discuss those tomorrow. But I just wanted you

1 to have them so you could begin looking at them. I
2 would think that we would be discussing those, as I said
3 earlier, on Tuesday, after the session. So counsel
4 should be prepared to discuss those at that time.

5 Are there exhibits that are going to be used
6 with the witnesses who will be testifying tomorrow that
7 you have not previously agreed upon?

8 MS. KIM: There is definitely a slide and a
9 demonstrative for Mr. Poret where we actually asked
10 counsel for a clarification on where one of the images
11 came from. And at least I -- I wasn't copied on that
12 e-mail. I was on the original e-mail that went out. So
13 I don't know if there was a response back or if you've
14 worked it out.

15 THE COURT: Do you think you worked it out
16 from the defense perspective?

17 MR. RAFFERTY: I think we either have or
18 will before tomorrow morning.

19 THE COURT: You don't think that there will
20 be anything that the Court needs to do with that?

21 MR. RAFFERTY: I would hope not.

22 MR. BERG: Just as a practical matter, Your
23 Honor, I don't think the guards let us in until 7:00.
24 So it might be 7:15 when we can get up here.

25 THE COURT: Okay. That's fine.

1 MR. BERG: Thank you.

2 MS. KIM: And then just one last thing, Your
3 Honor. With Thomas Zeigler, who I believe defendants
4 are planning on calling tomorrow if there's time, the
5 vast majority of Mr. Zeigler's deposition had to do with
6 defendant's trademarks and copyrights. Obviously, those
7 are all out, so we just want to make sure that that
8 testimony isn't covered tomorrow.

9 THE COURT: I think this is something that
10 you could discuss among yourselves. But maybe it should
11 have a response since it's been raised.

12 MR. HUMMEL: Your Honor, we are well aware
13 of Your Honor's motions in limine rulings, and we will
14 not tread over them.

15 THE COURT: Anything else that you wish to
16 raise at this time?

17 Then I will see you tomorrow morning at
18 7:15.

19 THE CLERK: Please rise. This court's is
20 adjourned.

21 (PROCEEDINGS CONCLUDED.)
22
23
24
25

CERTIFICATE OF REPORTER

COUNTY OF LOS ANGELES)
) SS.
STATE OF CALIFORNIA)

I, SHERI S. KLEEGER, OFFICIAL COURT REPORTER, IN AND FOR
THE UNITED STATES DISTRICT COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA, DO HEREBY CERTIFY THAT PURSUANT
TO SECTION 753, TITLE 28, UNITED STATES CODE, THE
FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE
STENOGRAPHICALLY REPORTED PROCEEDINGS HELD IN THE
ABOVE-ENTITLED MATTER AND THAT THE TRANSCRIPT PAGE
FORMAT IS IN CONFORMANCE WITH THE REGULATIONS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES.

DATE: MARCH 25, 2017

/S/_____

SHERI S. KLEEGER, CSR
FEDERAL OFFICIAL COURT REPORTER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

| | | | | |
|---|--|---|---|--|
| \$ | 10-2034 [1] - 1:13 10-2034-CBM [1] - 4:6 100 [6] - 78:5, 161:5, 161:7, 162:20, 167:6, 167:7 100,000 [1] - 326:4 10019 [1] - 2:17 10036 [1] - 2:9 10340 [1] - 1:23 11 [4] - 49:2, 49:9, 97:5, 231:25 12 [9] - 69:19, 69:24, 93:24, 184:17, 194:20, 249:10, 338:18 12-pack [1] - 184:18 120 [1] - 2:8 1200 [1] - 155:25 12:00 [4] - 9:18, 10:2, 10:11, 11:9 12:30 [1] - 11:3 13 [30] - 26:8, 26:25, 83:7, 119:4, 149:14, 185:1, 227:19, 281:21, 282:7, 294:24, 295:2, 295:6, 295:13, 295:15, 299:21, 300:10, 301:5, 303:6, 303:11, 303:14, 303:17, 303:23, 305:10, 306:2, 306:13, 306:14, 306:19, 306:24, 306:25, 338:8 134 [5] - 123:2, 143:3, 145:6, 145:14, 149:2 14 [5] - 114:22, 115:11, 173:5, 174:22, 219:1 14.5 [5] - 135:1, 135:11, 136:11, 138:5, 138:13 14.8 [1] - 119:1 144 [1] - 3:4 15 [29] - 20:10, 20:13, 21:1, 21:12, 27:5, 49:2, 49:10, 51:5, 52:6, 52:7, 92:3, 92:12, 114:9, 114:21, 114:22, 115:11, 135:7, 135:24, 142:23, 198:6, 200:4, 200:7, 219:2, 342:7, 342:10, 342:11, 342:25, 343:10 15-minute [2] - 92:2, 200:10 151 [1] - 122:12 | 16 [1] - 3:6 17 [1] - 185:18 17.8 [1] - 119:1 18 [2] - 25:14, 186:18 1800 [5] - 110:10, 114:7, 114:23, 157:1, 160:12 1800s [1] - 295:23 1875 [1] - 2:11 18th [1] - 277:4 19 [2] - 216:16, 306:7 192 [1] - 3:4 1933 [2] - 41:11, 202:12 1949 [1] - 232:21 1950s [1] - 230:10 1960s [1] - 297:3 1969 [1] - 220:23 1971 [1] - 221:17 1974 [1] - 97:4 1975 [1] - 222:17 1978 [1] - 26:7 1979 [2] - 223:2, 223:6 1980s [2] - 31:20, 34:17 1986 [3] - 202:22, 202:25, 203:17 1:30 [1] - 200:5 | 280:16, 302:21, 311:9, 312:7 2011 [7] - 137:10, 173:12, 173:15, 173:19, 264:3, 302:23, 310:16 2012 [3] - 98:4, 98:7, 303:1 2013 [15] - 49:2, 49:5, 50:2, 69:18, 75:12, 75:13, 75:24, 76:5, 76:22, 77:8, 80:8, 81:6, 303:5, 311:12, 312:12 2014 [5] - 76:22, 77:8, 80:8, 81:6, 303:9 2016 [2] - 79:3, 79:4 2017 [3] - 1:20, 4:2, 347:20 21 [3] - 107:11, 125:5, 291:1 210 [2] - 79:18, 79:23 212 [4] - 3:4, 3:5, 311:17, 311:21 213 [2] - 311:18, 311:21 213)894-6604 [1] - 1:25 214 [2] - 307:17, 307:21 215 [2] - 307:17, 307:21 216 [1] - 313:3 22 [1] - 51:4 228 [1] - 306:7 22nd [3] - 69:18, 277:17, 278:17 23 [9] - 1:20, 4:2, 216:16, 235:25, 306:8, 307:17, 307:21, 311:17, 311:21 232 [1] - 122:11 23RD [1] - 2:12 24 [2] - 3:3, 76:24 24,772 [1] - 140:19 24-hour [1] - 217:8 24.8 [5] - 119:1, 194:23, 195:22, 195:23, 196:12 24th [2] - 278:20 25 [10] - 49:2, 49:9, 51:4, 64:9, 164:18, 164:23, 165:9, 173:2, 347:20 25,000 [1] - 140:13 250-page [1] - 5:12 25th [1] - 264:3 26 [3] - 49:2, 49:9, | 51:5 26th [1] - 202:25 27 [3] - 187:1, 187:2, 216:18 276,331 [1] - 3:5 28 [2] - 254:7, 347:12 29 [1] - 253:24 2:00 [4] - 10:7, 10:15, 11:7, 11:15 2:30 [1] - 11:2 |
| ' | | | 3 | |
| '05 [2] - 225:16, 225:17 '06 [3] - 225:16, 225:17 '07 [5] - 232:5, 232:6, 282:21, 333:18, 333:19 '08 [3] - 235:23, 237:21, 282:22 '30s [1] - 221:22 '6 [1] - 282:14 '66 [1] - 221:6 '69 [2] - 221:7, 221:8 '70s [1] - 232:25 '74 [1] - 221:18 '75 [1] - 223:4 '79 [1] - 223:3 '80s [1] - 32:1 '86 [1] - 203:18 | | | 3 [9] - 106:9, 120:1, 120:12, 132:15, 133:10, 134:5, 134:14, 183:12, 288:6 3-pack [1] - 185:9 3/24/2010 [1] - 263:5 30 [7] - 91:23, 200:7, 200:10, 239:20, 245:12, 254:2, 341:21 30th [3] - 49:1, 49:5, 50:1 31 [1] - 202:24 312 [1] - 1:24 31st [1] - 280:16 33 [1] - 263:13 33.9 [4] - 120:13, 120:19, 120:22, 196:13 34 [1] - 216:9 35 [1] - 239:20 36 [3] - 69:19, 187:8, 187:10 37 [3] - 187:8, 187:10, 304:9 3704 [1] - 2:5 38 [2] - 39:18, 71:1 38th [1] - 29:13 38TH [1] - 2:8 39 [1] - 280:20 | |
| / | | | | |
| /S [1] - 347:22 /TPHAOEBG [1] - 32:22 | | | | |
| 0 | | | | |
| 0 [1] - 262:20 | | | | |
| 1 | | 2 | 4 | |
| 1 [15] - 113:14, 115:2, 115:9, 119:25, 120:12, 142:14, 142:15, 164:20, 194:23, 195:21, 196:13, 199:12, 226:17, 304:9, 313:3 1.13 [1] - 15:3 1/16 [1] - 270:7 10 [12] - 69:19, 69:24, 88:1, 138:6, 138:12, 173:6, 174:22, 227:25, 246:25, 248:6, 343:9 | 2 [13] - 28:7, 113:15, 114:20, 120:1, 120:12, 122:7, 125:23, 132:15, 134:12, 142:9, 267:8, 288:6, 292:22 2,000 [2] - 137:10, 137:15 20 [5] - 78:8, 78:10, 122:9, 198:6, 248:5 2000-E [1] - 78:18 2005 [2] - 282:13, 282:18 2006 [2] - 79:2, 243:25 2007 [2] - 231:20, 331:5 2008 [7] - 173:22, 235:25, 243:25, 262:20, 282:20, 302:14 2009 [2] - 267:10, 302:17 201 [1] - 3:4 2010 [9] - 205:22, 249:20, 261:25, 278:18, 278:20, | | 4 [9] - 112:23, 113:13, 113:20, 126:7, 133:18, 134:17, 200:3, 281:5, 313:4 40 [4] - 35:24, 86:23, 120:14, 325:19 400 [4] - 231:21, 231:22, 241:24, 331:6 400-plus [1] - 153:15 400th [1] - 331:11 402 [1] - 1:24 406 [1] - 293:6 | |

| | | | | |
|---|---|---|--|---|
| <p>410 [1] - 2:19 42.99 [1] - 69:10 427 [1] - 2:19 43.9 [3] - 120:16, 120:20, 120:22 45 [6] - 22:4, 267:25, 341:2, 341:16, 341:18, 342:5 455 [3] - 105:19, 155:25, 156:1 45TH [1] - 2:8 46 [2] - 134:7, 134:16 48 [1] - 3:3 49 [1] - 141:5 492 [5] - 284:3, 284:5, 284:18, 285:5, 285:8</p> | <p>618-52 [1] - 250:13 62 [4] - 248:4, 248:5, 249:9, 289:18 626 [1] - 310:3 628 [1] - 253:24 63 [1] - 141:1 684 [1] - 180:11 689 [4] - 3:6, 15:22, 16:3, 16:4</p> | <p>9</p> <p>9 [4] - 118:1, 120:14, 223:4, 262:20 90 [1] - 242:4 900 [2] - 202:9, 209:10 90012 [1] - 1:24 90067-2561 [1] - 2:12 92101 [1] - 2:20 93 [3] - 3:4, 134:7, 134:13 95 [1] - 217:6 99 [1] - 217:5</p> | <p>262:15 access [1] - 238:21 accommodate [2] - 11:22, 125:22 accommodates [1] - 10:20 according [6] - 108:14, 269:19, 288:14, 291:24, 334:7, 336:4 accurate [7] - 78:5, 78:6, 78:9, 309:15, 309:20, 309:23, 309:24 achieve [1] - 57:14 achievement [1] - 88:3 acid [2] - 228:3, 232:25 acknowledged [1] - 307:6 acquaintance [1] - 223:11 acquire [1] - 205:15 acquired [3] - 99:18, 224:22, 332:25 act [1] - 37:7 acted [1] - 53:25 action [13] - 29:15, 29:19, 29:21, 29:25, 48:4, 48:21, 51:24, 70:23, 97:22, 97:23, 99:1, 136:15, 267:13 active [3] - 112:5, 112:8, 112:10 activity [1] - 174:12 Actors [1] - 220:10 actual [28] - 9:2, 70:16, 70:20, 71:6, 74:6, 74:14, 74:24, 78:4, 85:20, 86:3, 91:3, 109:1, 109:15, 109:16, 109:17, 109:19, 109:22, 110:7, 131:8, 135:24, 156:13, 192:1, 209:19, 209:20, 209:21, 284:7, 298:14, 310:25 ad [3] - 237:9, 257:9, 257:10 adapt [2] - 39:15, 253:4 add [2] - 7:4, 247:15 added [1] - 162:21 addition [4] - 27:16, 132:22, 175:5, 262:3 additional [3] - 54:1, 80:22, 182:21 additive [4] - 227:22,</p> | <p>228:5, 236:15, 294:5 additives [6] - 66:4, 66:5, 229:24, 236:15, 322:10, 322:11 address [8] - 19:25, 46:1, 75:3, 96:24, 155:6, 189:8, 197:24, 215:18 addressing [3] - 6:2, 21:8, 57:25 adds [1] - 322:23 adjourned [1] - 346:1 adjust [2] - 9:14, 253:8 adjustments [3] - 339:14, 342:18, 343:23 administer [1] - 92:19 administration [3] - 41:14, 95:19, 95:21 admitted [6] - 16:1, 16:2, 16:3, 18:10, 180:14, 284:11 ADMITTED [1] - 16:4 admittedly [1] - 86:25 adopted [2] - 39:9, 53:23 ads [1] - 238:18 advance [3] - 228:13, 238:15, 238:17 advantage [2] - 39:16, 326:21 advertise [1] - 235:14 advertises [1] - 65:23 advertising [6] - 26:16, 27:13, 37:14, 94:14, 94:19, 206:10 advice [1] - 25:6 advise [4] - 10:21, 49:12, 69:21, 197:13 advised [1] - 199:18 aesthetic [3] - 251:2, 251:23, 252:17 aesthetically [3] - 230:1, 251:9, 251:10 affair [1] - 248:20 affect [1] - 32:23 affected [2] - 31:8, 42:18 affecting [1] - 62:11 affection [1] - 320:10 affidavit [12] - 211:7, 211:10, 211:12, 211:20, 212:1, 212:6,</p> |
| <p>5</p> <p>5 [10] - 106:9, 114:24, 116:13, 117:1, 219:10, 257:13, 282:14, 304:10, 311:18, 311:22 5,000 [2] - 243:12, 243:17 50 [4] - 27:22, 41:22, 239:25, 249:10 50-milliliter [3] - 180:21, 183:15, 184:19 50-millimeter [1] - 185:9 551 [1] - 215:11 574 [1] - 267:7 574-A [2] - 265:12, 335:19 58.7 [5] - 118:24, 120:10, 166:23, 195:21, 196:11</p> | <p>7</p> <p>7 [4] - 119:4, 166:20, 223:4, 343:19 7.4 [1] - 166:11 700 [4] - 262:6, 277:21, 277:22, 334:23 74.5 [1] - 135:3 743 [1] - 183:11 750-milliliter [2] - 107:15, 185:10 753 [1] - 347:12 754 [7] - 182:13, 182:16, 183:12, 184:11, 184:17, 185:18, 186:18 7543 [1] - 183:10 755 [3] - 291:4, 332:16, 332:18 755-6 [2] - 291:14, 333:12 755-9 [2] - 293:4, 293:13 77002-9550 [1] - 2:6 772 [7] - 123:25, 124:2, 251:25, 252:3, 267:23, 287:14, 287:15 7:00 [4] - 8:14, 8:16, 343:17, 345:4 7:15 [2] - 345:5, 345:24</p> | <p>A</p> <p>A-L-V-A-R-E-Z [1] - 201:1 A-Y-K-R-O-Y-D [1] - 214:23 a.M [1] - 4:3 A.M [1] - 1:20 ABC [2] - 238:10, 238:11 abide [1] - 89:8 abilities [2] - 326:12, 326:13 ability [1] - 87:24 able [12] - 8:14, 9:14, 23:9, 25:13, 87:15, 95:10, 131:17, 135:11, 231:11, 231:14, 234:4, 341:12 ABOVE [1] - 347:15 ABOVE-ENTITLED [1] - 347:15 absence [1] - 129:5 Absolut [19] - 33:1, 37:12, 40:3, 67:20, 68:1, 76:15, 76:17, 131:13, 131:25, 132:13, 132:14, 134:8, 134:12, 135:2, 138:1, 138:6, 138:9, 174:15 absolute [4] - 61:22, 102:17, 329:12, 329:21 absolutely [8] - 48:15, 149:6, 233:8, 256:14, 256:23, 267:21, 286:16, 294:2 accelerate [1] - 243:22 accept [3] - 46:7, 277:19, 281:18 accepted [2] - 78:13,</p> | | |
| <p>6</p> <p>6 [8] - 126:14, 160:6, 160:7, 166:20, 184:11, 223:4, 307:18, 307:22 6.6 [2] - 166:9, 166:15 60 [2] - 36:7, 78:11 60,000 [2] - 242:21, 243:1 60-plus [1] - 35:23 618 [1] - 250:3 618-28 [1] - 253:24 618-4 [1] - 257:13</p> | <p>8</p> <p>8 [3] - 223:4, 248:6, 338:16 81 [1] - 291:1 825 [1] - 2:16 83.6 [1] - 135:2 85 [2] - 134:8, 134:14 86 [1] - 3:3 8:00 [3] - 11:9, 11:25, 338:20</p> | | | |

| | | | | |
|--|--|--|---|--|
| <p>212:13, 281:8, 281:10, 281:20, 281:25, 282:9 affiliated [2] - 201:18, 205:9 affiliation [1] - 192:5 afford [1] - 253:12 affordable [1] - 32:20 Afghanistan [1] - 323:2 afternoon [14] - 7:20, 10:17, 17:14, 17:15, 18:3, 93:14, 106:11, 201:5, 201:6, 208:9, 208:10, 214:12, 277:1, 277:2 Afterparty [1] - 250:7 afterwards [1] - 213:25 agave [1] - 67:4 age [3] - 218:24, 280:10, 297:5 agencies [1] - 175:3 ages [1] - 216:14 aggregate [1] - 165:22 ago [8] - 40:24, 102:7, 141:25, 177:12, 179:9, 192:24, 241:24, 244:12 agree [23] - 18:22, 29:20, 57:11, 62:13, 108:9, 108:11, 147:4, 160:3, 209:24, 212:8, 274:7, 274:11, 290:11, 290:15, 290:19, 299:9, 300:10, 312:23, 313:1, 313:10, 315:16, 326:6, 337:14 agreed [9] - 7:6, 15:8, 106:5, 229:8, 243:12, 244:21, 247:24, 258:21, 344:13 agreeing [1] - 321:2 agreement [3] - 14:5, 17:3, 245:18 ahead [5] - 201:10, 218:1, 249:17, 249:18, 251:4 aided [1] - 136:4 ain't [1] - 234:23 airport [1] - 219:9 aisle [3] - 115:16, 160:17, 169:18 al [1] - 4:8 alarming [3] - 250:8,</p> | <p>250:12, 250:16 albeit [1] - 168:11 alcohol [40] - 24:22, 26:4, 26:6, 28:11, 29:8, 29:12, 39:19, 41:1, 41:14, 89:15, 90:1, 225:12, 233:21, 233:22, 233:23, 234:11, 235:18, 242:14, 249:23, 256:6, 277:9, 291:2, 309:6, 323:12, 325:7, 325:9, 325:10, 325:11, 325:13, 325:16, 325:19, 327:6, 327:17, 327:19, 327:22, 327:23, 328:2, 329:8, 329:22, 337:7 alcoholic [19] - 71:20, 72:12, 84:2, 84:18, 107:12, 125:6, 172:8, 172:13, 172:18, 172:21, 172:22, 209:6, 233:22, 234:12, 256:25, 263:9, 263:12, 278:13, 290:12 alcohols [1] - 82:6 Alexander [9] - 223:7, 224:15, 271:19, 281:22, 281:23, 282:5, 286:3, 286:4, 286:5 Alexander's [2] - 275:18, 337:8 alien [2] - 215:11, 298:7 aliens [1] - 297:12 alike [1] - 186:11 allegation [2] - 273:11, 274:1 allowed [1] - 145:22 allowing [1] - 8:23 alluded [1] - 327:2 almost [4] - 35:8, 192:15, 272:2, 275:14 alteration [1] - 328:24 alterations [1] - 328:22 altered [2] - 133:11, 290:9 altogether [2] - 32:25, 40:3 ALVAREZ [2] - 3:4, 200:19 Alvarez [9] - 197:21, 197:25, 200:17,</p> | <p>200:25, 201:5, 201:9, 208:9, 212:17, 214:4 ambassador [1] - 38:16 America [9] - 220:11, 235:20, 245:7, 304:3, 321:7, 321:8, 322:2 AMERICA [1] - 1:1 American [2] - 220:9, 220:11 amidst [3] - 108:19, 108:21, 193:12 amount [17] - 8:4, 8:5, 21:5, 64:3, 64:5, 107:21, 111:20, 111:22, 113:6, 119:16, 120:5, 152:12, 152:17, 152:19, 152:20, 216:19, 216:23 Amsterdam [1] - 76:12 Anaheim [3] - 235:22, 237:19, 262:21 analogous [1] - 125:12 analytics [1] - 28:13 analyze [2] - 94:7, 97:19 analyzed [1] - 98:21 analyzing [1] - 295:22 anatomical [1] - 309:23 anatomically [4] - 309:10, 309:12, 309:13, 309:14 anatomy [1] - 309:19 AND [3] - 347:9, 347:13, 347:15 Anderson [22] - 29:16, 29:23, 45:5, 45:7, 45:8, 48:12, 48:20, 52:3, 52:8, 52:19, 53:1, 53:4, 53:10, 53:13, 53:19, 55:13, 208:11, 208:13, 208:17, 208:19, 286:2 ANDROPHY [2] - 2:3, 2:7 Anejo [5] - 181:6, 183:15, 210:20, 210:23, 289:14 ANGELES [5] - 1:21, 1:24, 2:12, 4:2, 347:5 Angeles [1] - 231:8 anger [1] - 310:20 angle [13] - 251:5,</p> | <p>251:6, 251:9, 252:20, 268:10, 268:12, 268:17, 269:4, 269:8, 271:4, 337:17 angry [1] - 311:7 Anna [1] - 298:24 announced [1] - 173:20 announcer [1] - 221:2 annual [2] - 27:22, 28:16 Annunciation [2] - 217:13, 218:3 answer [44] - 47:3, 47:16, 58:12, 58:13, 59:10, 66:16, 75:2, 75:4, 88:22, 88:24, 89:3, 89:5, 106:3, 116:24, 117:20, 117:25, 126:6, 126:14, 128:13, 133:12, 133:15, 146:9, 147:12, 148:16, 150:20, 150:25, 151:5, 154:4, 154:8, 154:10, 154:11, 154:21, 158:5, 163:22, 164:8, 165:14, 168:12, 168:15, 175:20, 281:13, 307:4, 324:12, 329:17, 330:3 ANSWER [12] - 51:9, 51:12, 51:17, 51:21, 51:25, 70:4, 305:13, 306:14, 306:16, 308:3, 308:21, 313:13 answered [6] - 46:23, 46:24, 47:17, 158:4, 170:2, 330:7 answering [1] - 146:17 answers [12] - 49:18, 49:24, 100:20, 111:9, 111:10, 111:11, 111:13, 111:16, 145:12, 154:19, 158:14, 293:8 Anthony [2] - 242:1, 242:6 anticipate [3] - 10:7, 11:10, 17:22 anticipating [1] - 242:24 Antonio [1] - 238:4 apologies [1] - 126:22 apologize [2] - 154:16, 179:24</p> | <p>appear [6] - 101:3, 103:1, 103:3, 131:23, 132:8, 132:10 appearance [7] - 4:9, 246:15, 247:5, 247:13, 309:4, 326:25, 335:23 appearances [3] - 246:19, 246:22, 247:15 APPEARANCES [1] - 2:2 appeared [1] - 260:4 appearing [1] - 11:20 appetizers [1] - 72:5 application [5] - 264:10, 277:24, 279:4, 283:2, 283:19 applied [5] - 283:4, 283:8, 283:9, 283:10, 283:23 applies [1] - 335:22 apply [3] - 36:16, 264:6, 300:18 appoint [1] - 41:21 appreciate [1] - 214:4 approached [2] - 29:18, 155:24 approbation [1] - 242:10 appropriate [21] - 17:4, 101:17, 102:5, 102:18, 128:15, 128:19, 129:11, 138:21, 138:24, 147:9, 147:24, 150:17, 151:1, 152:20, 158:14, 158:15, 160:18, 167:16, 167:22, 193:24, 197:3 appropriately [1] - 183:19 approval [6] - 104:4, 104:8, 104:9, 126:21, 127:13, 257:18 approve [1] - 257:20 approved [14] - 104:5, 104:12, 104:21, 117:18, 117:22, 118:2, 118:18, 127:1, 127:2, 127:4, 127:6, 164:25, 165:2, 165:24 approximate [1] - 102:25 April [1] - 217:5 arduous [1] - 57:1 are.. [1] - 326:8</p> |
|--|--|--|---|--|

| | | | | |
|--|---|---|--|--|
| <p>area [6] - 80:25, 85:24, 94:10, 94:16, 168:7, 240:2</p> <p>areas [2] - 94:9, 286:15</p> <p>argue [3] - 8:17, 18:6, 58:19</p> <p>argument [12] - 6:5, 6:6, 7:16, 7:21, 19:22, 19:24, 20:16, 21:4, 339:23, 340:3, 340:6, 343:20</p> <p>arguments [8] - 6:10, 6:13, 7:24, 8:11, 9:3, 19:8, 340:19, 343:17</p> <p>aroma [4] - 65:15, 67:2, 67:9, 226:10</p> <p>aromas [1] - 65:12</p> <p>arranged [1] - 11:3</p> <p>array [21] - 101:8, 110:6, 110:8, 113:10, 113:14, 119:3, 122:16, 157:19, 158:7, 159:7, 159:15, 162:18, 163:1, 163:19, 164:4, 164:24, 165:10, 165:13, 168:9, 170:19, 179:6</p> <p>arrays [17] - 110:13, 113:9, 113:16, 114:6, 115:20, 115:21, 118:21, 152:2, 152:5, 158:2, 158:3, 160:7, 162:9, 166:3, 170:4, 193:22, 193:24</p> <p>arrive [2] - 11:22, 16:8</p> <p>art [5] - 224:3, 224:8, 224:9, 224:10, 225:8</p> <p>Art [3] - 225:1, 225:4</p> <p>article [2] - 253:21, 253:25</p> <p>articles [1] - 96:23</p> <p>articulate [2] - 154:22, 157:2</p> <p>artifacts [1] - 297:1</p> <p>artificial [1] - 178:20</p> <p>artist [2] - 224:13, 245:21</p> <p>artistic [2] - 326:11, 326:13</p> <p>Artists [2] - 220:9, 220:10</p> <p>ashtray [3] - 314:12, 314:14, 314:17</p> <p>aside [1] - 176:9</p> <p>aspect [3] - 38:10, 283:25, 321:21</p> | <p>aspects [6] - 26:14, 27:12, 289:20, 290:1, 306:2, 306:12</p> <p>asserted [1] - 178:2</p> <p>assigned [1] - 113:15</p> <p>assist [1] - 266:24</p> <p>assistance [2] - 18:23, 19:4</p> <p>assistant [2] - 219:15, 219:17</p> <p>assisted [5] - 42:6, 106:16, 106:17, 136:3, 136:5</p> <p>associate [4] - 257:17, 320:24, 321:4, 321:8</p> <p>associated [7] - 83:3, 83:7, 147:15, 167:19, 304:1, 304:3, 337:19</p> <p>association [4] - 321:14, 321:18, 321:19, 324:13</p> <p>Association [1] - 220:8</p> <p>assortment [1] - 71:18</p> <p>assume [8] - 18:2, 44:7, 44:17, 67:8, 132:7, 255:24, 292:22, 330:12</p> <p>assumed [2] - 87:1, 262:17</p> <p>assuming [2] - 21:5, 199:21</p> <p>assumption [1] - 292:25</p> <p>assured [1] - 233:9</p> <p>AT [4] - 2:4, 2:5, 2:7, 2:15</p> <p>attempt [3] - 59:10, 87:1, 88:13</p> <p>attempting [3] - 159:16, 257:17, 257:22</p> <p>attend [4] - 217:11, 218:18, 238:14, 248:16</p> <p>attended [2] - 38:22, 258:23</p> <p>attends [1] - 258:23</p> <p>attention [12] - 65:4, 111:12, 155:15, 204:14, 205:14, 206:22, 265:22, 265:25, 266:16, 267:14, 281:4, 332:15</p> <p>attitudes [2] - 137:2, 137:7</p> | <p>ATTORNEY [4] - 2:4, 2:5, 2:7, 2:15</p> <p>attorney [2] - 190:19, 190:21</p> <p>attorneys [1] - 96:22</p> <p>attribute [2] - 81:22, 83:13</p> <p>audience [1] - 290:23</p> <p>auditioned [1] - 221:9</p> <p>August [1] - 75:12</p> <p>Austin [1] - 259:22</p> <p>Australian [1] - 241:22</p> <p>authority [1] - 297:7</p> <p>AutoCAD [2] - 231:6, 231:10</p> <p>automatic [1] - 253:2</p> <p>automatically [1] - 253:1</p> <p>autumn [1] - 223:3</p> <p>available [4] - 30:16, 36:2, 71:25, 332:7</p> <p>AVENUE [1] - 2:16</p> <p>average [2] - 152:16, 299:13</p> <p>avid [1] - 295:5</p> <p>avoid [1] - 6:1</p> <p>Award [1] - 241:23</p> <p>award [1] - 96:14</p> <p>awarded [1] - 96:9</p> <p>awards [5] - 96:5, 96:12, 241:13, 241:18, 241:19</p> <p>aware [4] - 57:3, 58:3, 65:22, 69:4, 69:9, 72:10, 76:21, 76:22, 76:25, 77:4, 77:6, 80:12, 82:14, 82:25, 85:19, 85:23, 86:5, 86:7, 92:21, 126:8, 137:24, 170:9, 176:13, 176:17, 176:19, 177:21, 193:13, 194:8, 204:9, 204:11, 249:15, 249:25, 257:8, 260:8, 273:8, 283:16, 283:18, 283:22, 325:8, 345:18</p> <p>awareness [18] - 37:7, 129:5, 130:16, 132:6, 132:23, 136:2, 136:10, 136:19, 137:18, 137:25, 138:15, 138:20, 147:23, 148:3, 173:6, 174:21</p> <p>AYKROYD [2] - 3:5,</p> | <p>214:16</p> <p>Aykroyd [51] - 7:8, 11:10, 15:24, 38:13, 146:14, 147:16, 149:11, 174:18, 184:19, 184:24, 185:23, 198:15, 199:3, 214:14, 214:22, 215:4, 215:6, 216:4, 220:19, 232:3, 234:6, 249:14, 252:2, 252:7, 260:6, 260:19, 262:13, 265:16, 271:17, 274:17, 277:1, 280:6, 281:4, 285:7, 285:24, 286:23, 288:11, 288:16, 289:17, 290:11, 291:6, 295:10, 296:10, 297:15, 307:6, 312:23, 320:3, 326:6, 328:19, 331:3, 332:15</p> <p>Aykroyd's [12] - 9:21, 10:5, 38:10, 39:1, 81:23, 82:2, 199:11, 304:6, 306:7, 307:17, 311:17, 313:3</p> <p>Aztec [3] - 228:11, 297:13, 298:15</p> <p>Aztecs [1] - 296:1</p> <p style="text-align: center;">B</p> <p>B-R-U-C-E [1] - 93:9</p> <p>Bacardi [26] - 27:2, 27:10, 27:20, 28:3, 28:9, 28:19, 28:23, 29:18, 33:3, 40:10, 43:18, 52:3, 52:6, 52:7, 52:10, 52:14, 52:16, 52:19, 67:17, 67:20, 67:21, 67:25, 68:1, 81:17</p> <p>bachelor [1] - 95:17</p> <p>background [3] - 95:14, 217:11, 217:22</p> <p>backing [1] - 206:9</p> <p>Bacon [1] - 219:21</p> <p>bad [1] - 111:17</p> <p>badly [1] - 261:10</p> <p>balding [1] - 223:15</p> <p>ballpark [1] - 40:23</p> <p>balls [1] - 228:12</p> <p>band [2] - 120:19, 220:18</p> <p>Band [1] - 220:15</p> <p>bar [17] - 37:8, 55:21, 62:20, 90:23, 90:25,</p> | <p>103:4, 139:11, 225:21, 248:13, 257:11, 258:17, 258:20, 259:1, 259:3, 262:1, 334:19</p> <p>Bar [2] - 236:13, 249:22</p> <p>barreled [1] - 190:1</p> <p>bars [7] - 30:23, 42:4, 90:15, 90:17, 90:19, 235:10, 300:17</p> <p>bartender [2] - 246:19, 301:17</p> <p>bartenders [5] - 236:3, 236:15, 248:14, 258:25, 300:17</p> <p>base [23] - 35:19, 141:18, 142:1, 142:2, 142:17, 189:22, 189:23, 220:14, 269:6, 269:7, 271:5, 271:8, 271:9, 271:11, 271:13, 271:15, 287:4, 287:25, 288:6, 288:7, 314:5, 314:12</p> <p>based [34] - 11:9, 18:2, 35:16, 39:7, 48:21, 49:18, 51:24, 65:22, 66:21, 67:22, 70:24, 73:3, 85:25, 109:11, 114:10, 135:5, 136:6, 137:10, 137:15, 140:13, 140:18, 144:8, 161:19, 183:9, 190:9, 193:3, 193:5, 279:24, 292:3, 333:10, 333:11, 334:1, 334:3, 334:8</p> <p>basement [1] - 225:4</p> <p>bases [3] - 141:9, 179:10, 288:3</p> <p>basic [1] - 100:22</p> <p>basis [14] - 25:7, 77:11, 77:14, 98:18, 98:19, 140:16, 169:21, 169:25, 170:16, 192:7, 241:9, 266:10, 273:19, 338:2</p> <p>bathroom [2] - 128:5</p> <p>batteries [1] - 115:24</p> <p>Beam [2] - 142:3, 142:4</p> <p>bear [1] - 136:18</p> <p>bearing [1] - 137:17</p> <p>beautiful [10] - 225:18, 225:20, 226:9, 228:8, 229:22, 232:24, 233:5, 300:7,</p> |
|--|---|---|--|--|

| | | | | |
|---|--|---|---|--|
| <p>323:4, 323:18 beautifully [1] - 251:5 became [5] - 32:8, 40:9, 204:2, 223:20, 249:15 become [5] - 37:3, 139:14, 204:11, 249:25, 265:19 becomes [4] - 37:6, 40:4, 71:15, 234:12 beer [2] - 201:16, 208:15 began [12] - 32:10, 32:11, 32:13, 32:19, 37:11, 75:24, 229:9, 229:11, 234:19, 241:11, 243:25, 279:11 begin [5] - 41:21, 231:14, 271:20, 276:22, 344:7 beginning [8] - 25:2, 38:14, 40:14, 244:3, 262:9, 264:22, 302:14, 302:24 begins [2] - 42:3, 258:17 BEHALF [2] - 2:3, 2:13 behalf [6] - 78:14, 174:12, 174:13, 200:20, 214:17, 292:5 behavior [6] - 28:10, 70:11, 70:13, 70:17, 95:25, 96:2 behind [6] - 82:19, 82:22, 82:23, 82:25, 221:1, 315:5 belief [5] - 75:8, 75:9, 297:16, 298:4, 298:18 beliefs [1] - 338:1 belong [1] - 20:24 below [2] - 137:23, 185:7 bench [1] - 16:7 benefit [1] - 39:10 benefits [1] - 44:19 benevolent [2] - 298:8 berg [1] - 305:1 Berg [4] - 7:7, 19:17, 19:21, 304:25 BERG [84] - 2:3, 2:4, 2:7, 10:4, 10:12, 10:15, 11:5, 19:22, 20:2, 20:9, 21:13, 21:17, 21:22, 22:17, 197:24, 198:18,</p> | <p>198:22, 198:25, 199:22, 214:12, 215:1, 215:19, 250:14, 250:15, 252:1, 252:6, 254:3, 254:4, 254:7, 254:10, 257:12, 257:14, 262:6, 262:11, 263:8, 263:11, 263:14, 263:16, 263:25, 264:1, 264:17, 264:18, 266:15, 269:1, 269:4, 269:20, 274:3, 274:4, 274:13, 274:16, 275:25, 286:19, 293:5, 297:17, 304:8, 304:11, 304:17, 305:2, 305:4, 306:9, 307:23, 308:9, 311:23, 312:2, 313:5, 324:1, 324:11, 330:14, 332:14, 332:17, 332:20, 333:22, 333:23, 334:23, 335:2, 335:19, 335:21, 336:17, 336:19, 338:13, 339:5, 339:18, 345:3, 345:7 best [12] - 13:20, 41:13, 66:16, 77:17, 97:2, 114:4, 170:6, 170:10, 185:22, 188:13, 211:15, 333:24 better [8] - 9:22, 14:20, 113:25, 163:10, 200:8, 226:7, 233:25, 339:14 between [45] - 7:2, 7:3, 33:23, 36:5, 59:19, 67:24, 67:25, 70:17, 77:7, 80:8, 81:5, 85:20, 86:6, 86:15, 98:17, 102:2, 105:20, 112:7, 128:20, 129:22, 135:19, 142:2, 144:6, 146:2, 152:9, 165:7, 174:2, 174:21, 180:23, 200:7, 204:19, 207:7, 207:10, 209:24, 210:3, 213:17, 223:18, 244:2, 303:23, 305:10, 307:7, 308:1, 308:19, 316:18, 335:4 Beverage [2] - 189:12, 206:19</p> | <p>beverage [25] - 24:21, 25:18, 26:3, 26:5, 28:10, 29:8, 29:12, 39:19, 41:1, 41:14, 89:15, 172:8, 225:18, 233:22, 234:12, 235:17, 249:23, 256:6, 256:25, 259:2, 277:9, 291:2, 327:6 beverages [19] - 71:20, 72:12, 84:2, 84:18, 107:12, 125:6, 172:13, 172:19, 172:21, 172:22, 201:17, 201:24, 201:25, 205:6, 209:6, 241:24, 263:9, 263:12, 278:14 Beverages [10] - 201:19, 201:22, 202:10, 202:15, 203:2, 203:17, 238:11, 243:8, 259:20, 259:24 BEVMO [1] - 240:9 beyond [9] - 38:12, 39:1, 71:2, 103:6, 154:1, 179:23, 296:6, 298:5, 326:3 bias [1] - 261:2 big [3] - 39:24, 85:10, 257:6 bigger [1] - 115:6 biggest [2] - 75:18, 115:5 bikers [4] - 294:18, 294:22, 334:16, 334:21 bill [4] - 29:16, 45:8, 52:13, 259:21 Bill [5] - 45:5, 45:7, 45:11, 208:11, 208:13 billion [1] - 28:7 bills [1] - 202:19 BIN [1] - 206:19 Binny [1] - 259:23 Binny's [1] - 259:23 Binstein [1] - 259:23 BIRD [1] - 2:10 bit [26] - 9:18, 66:18, 88:5, 100:25, 119:12, 164:16, 168:21, 184:23, 186:11, 197:10, 204:8, 215:6, 217:10, 220:24, 222:8, 224:7, 230:21, 230:22, 232:15, 234:1, 234:8, 258:14, 259:10, 264:21,</p> | <p>318:14, 325:20 Bivens [1] - 4:10 BIVENS [15] - 2:4, 4:10, 4:13, 15:21, 16:5, 197:25, 198:5, 200:16, 201:4, 208:4, 211:25, 212:14, 212:16, 214:3, 214:6 biz [1] - 220:24 black [3] - 112:19, 170:22, 298:24 blackboard [1] - 269:14 Blanco [44] - 69:4, 110:10, 112:18, 112:20, 112:21, 123:19, 123:22, 124:15, 124:21, 126:1, 127:18, 127:22, 145:15, 145:17, 145:21, 146:9, 146:18, 147:13, 149:10, 149:16, 160:13, 160:19, 161:20, 161:25, 162:7, 162:10, 162:15, 163:21, 164:6, 170:5, 170:8, 171:15, 180:6, 180:8, 180:10, 181:19, 181:22, 185:10, 186:4, 191:5, 210:14, 261:1, 272:10, 288:18 Blancos [2] - 160:15, 160:16 blank [1] - 157:10 blends [1] - 32:2 block [1] - 297:4 Bloomberg [1] - 303:2 blow [7] - 183:17, 185:19, 186:3, 250:14, 254:3, 254:8, 334:25 blowing [1] - 227:13 blown [1] - 236:17 blue [3] - 37:19, 252:7, 265:25 Blue [2] - 242:2, 242:6 Blues [7] - 220:15, 235:22, 236:6, 239:6, 246:23, 248:1 blues [1] - 246:24 board [1] - 97:16 boards [2] - 97:9, 97:11 boat [1] - 246:21 body [2] - 163:13,</p> | <p>228:4 Bombay [3] - 28:4, 37:18 bone [1] - 315:5 book [2] - 78:21, 224:14 born [3] - 215:8, 215:9, 217:20 borrowed [1] - 38:13 boss [1] - 203:6 bothered [1] - 190:8 bottle [416] - 34:15, 37:18, 37:19, 37:21, 38:23, 40:13, 40:18, 40:21, 41:1, 43:2, 45:4, 59:17, 60:8, 60:14, 60:15, 62:4, 62:16, 62:20, 63:2, 69:5, 83:15, 83:16, 83:20, 83:23, 85:4, 85:7, 85:8, 87:10, 91:1, 107:15, 107:17, 107:18, 109:1, 109:7, 109:8, 109:9, 109:13, 109:16, 110:14, 110:15, 111:8, 111:21, 111:23, 112:12, 112:23, 112:24, 113:7, 113:24, 114:3, 115:19, 119:17, 120:6, 120:15, 122:12, 123:15, 123:16, 123:22, 124:7, 124:10, 124:12, 124:14, 124:21, 124:22, 124:24, 125:7, 125:14, 126:1, 127:18, 127:22, 130:24, 131:10, 131:12, 131:15, 131:18, 131:19, 131:20, 131:21, 131:25, 132:1, 132:3, 132:20, 133:6, 133:7, 133:8, 135:12, 135:22, 136:5, 136:6, 136:8, 141:13, 141:14, 145:11, 145:15, 145:17, 145:18, 145:20, 145:21, 145:22, 146:3, 146:7, 146:11, 146:18, 147:13, 147:14, 147:15, 148:13, 148:22, 149:10, 149:20, 151:12, 151:23, 152:5, 152:7, 152:13,</p> |
|---|--|---|---|--|

| | | | | |
|--|---|---|--|---|
| 152:21, 153:1, 153:2, 160:10, 160:20, 160:21, 160:24, 161:2, 161:4, 161:5, 161:7, 161:8, 161:12, 161:13, 161:14, 161:16, 161:20, 161:22, 161:25, 162:8, 162:10, 162:15, 162:19, 162:20, 163:3, 163:7, 163:13, 163:14, 163:15, 163:17, 163:19, 163:21, 164:4, 164:6, 164:19, 165:7, 165:12, 166:3, 166:25, 167:3, 167:5, 167:15, 167:16, 167:17, 168:4, 168:5, 168:8, 168:10, 168:23, 169:4, 169:9, 169:14, 170:5, 170:12, 170:14, 170:22, 171:15, 171:24, 171:25, 172:4, 181:19, 181:23, 182:25, 183:15, 183:18, 184:12, 184:19, 185:25, 186:4, 186:9, 186:10, 187:21, 188:7, 188:25, 189:16, 189:17, 191:6, 193:16, 193:17, 193:21, 194:2, 194:12, 195:7, 196:7, 206:3, 206:7, 206:12, 206:17, 206:21, 207:1, 207:2, 207:12, 209:19, 209:20, 209:21, 209:25, 213:21, 213:22, 225:12, 226:22, 226:23, 227:13, 227:16, 228:8, 228:18, 228:22, 228:24, 229:11, 229:13, 229:17, 229:21, 230:5, 230:7, 230:13, 230:23, 230:25, 232:4, 234:21, 236:9, 237:11, 238:7, 238:13, 238:19, 238:22, 239:15, 241:6, 243:25, 250:18, 250:21, 250:25, 251:2, 251:8, 251:12, 251:24, 251:25, 252:22, 253:10, 253:11, | 253:16, 254:17, 254:22, 254:24, 255:10, 256:5, 256:6, 256:11, 256:18, 257:1, 259:17, 260:19, 260:22, 261:11, 261:18, 262:4, 262:22, 263:20, 264:23, 264:24, 266:1, 266:2, 268:9, 269:11, 269:24, 269:25, 270:4, 270:5, 270:20, 270:22, 271:2, 271:7, 271:8, 271:9, 271:11, 271:14, 273:4, 273:12, 273:13, 274:18, 275:4, 277:7, 277:10, 277:25, 278:4, 278:9, 278:11, 279:4, 279:11, 279:17, 279:22, 282:16, 283:9, 283:10, 283:11, 283:13, 283:14, 283:17, 286:8, 287:1, 287:10, 287:11, 287:20, 288:18, 288:21, 288:23, 288:24, 289:3, 289:4, 289:9, 289:14, 293:24, 294:1, 294:15, 299:17, 300:19, 302:9, 306:4, 307:8, 308:2, 308:20, 309:9, 310:9, 310:21, 310:25, 312:7, 312:15, 312:25, 313:12, 313:19, 313:22, 314:1, 314:3, 314:9, 314:16, 314:17, 314:20, 315:4, 315:8, 315:10, 315:13, 315:17, 315:20, 315:23, 316:8, 316:12, 316:21, 317:10, 317:16, 317:20, 317:22, 318:1, 318:5, 318:11, 318:25, 319:3, 319:7, 319:8, 319:21, 319:25, 323:24, 324:17, 324:22, 324:25, 325:2, 325:21, 327:22, 328:9, 328:20, 328:23, 329:9, 329:13, 329:17, 329:22, 329:25, 331:7, 331:12, 331:22, | 335:15, 335:23, 336:14, 336:25, 337:3, 338:10 bottle's [1] - 61:6 bottled [1] - 189:7 bottles [125] - 61:16, 61:20, 62:6, 64:2, 84:20, 86:6, 86:15, 88:1, 89:22, 112:13, 112:17, 114:6, 115:10, 115:11, 120:9, 121:4, 121:6, 121:13, 121:16, 123:17, 123:19, 130:24, 132:4, 132:6, 132:18, 133:22, 133:23, 153:10, 157:19, 158:3, 158:7, 159:7, 162:13, 163:1, 163:19, 166:7, 166:12, 166:21, 167:6, 167:7, 167:8, 167:10, 167:11, 167:14, 167:18, 168:9, 168:20, 169:13, 170:7, 170:19, 171:6, 171:10, 171:16, 172:5, 180:21, 181:12, 182:9, 182:24, 185:22, 186:7, 186:10, 187:15, 188:2, 190:6, 190:7, 190:8, 190:9, 190:10, 191:17, 193:9, 193:14, 193:19, 194:7, 194:15, 210:4, 213:17, 231:14, 231:22, 238:22, 252:25, 255:21, 257:6, 266:22, 269:1, 271:12, 271:24, 272:3, 273:16, 273:21, 274:5, 306:1, 306:12, 307:8, 308:1, 308:19, 310:16, 312:14, 312:24, 313:11, 313:20, 313:23, 315:1, 316:18, 316:25, 318:3, 318:8, 318:16, 319:4, 325:4, 325:15, 326:2, 326:7, 326:24, 327:4, 327:14, 331:5, 331:9, 332:4, 337:12, 337:16, 337:21, 337:22, 338:9 bottom [15] - 112:17, 120:8, 181:20, 188:7, 261:7, 262:25, | 270:14, 270:19, 271:1, 287:21, 288:13, 288:15, 294:7, 314:17, 317:6 bought [6] - 181:1, 184:13, 260:19, 260:24 Boulevard [1] - 240:9 bourbons [1] - 32:2 bowling [1] - 204:7 box [21] - 5:6, 109:1, 109:2, 109:8, 109:9, 109:13, 109:16, 109:24, 124:14, 151:12, 151:13, 151:23, 152:13, 160:9, 169:4, 219:2, 300:22, 300:24 BOXER [1] - 2:10 boxes [1] - 154:1 Boys [1] - 218:5 brand [55] - 26:21, 34:1, 34:4, 34:5, 35:4, 35:8, 37:6, 37:8, 38:14, 39:1, 41:7, 41:10, 41:23, 42:10, 42:17, 43:17, 57:1, 62:11, 69:7, 69:9, 71:17, 71:21, 71:24, 72:12, 82:2, 82:19, 82:22, 82:23, 114:20, 114:24, 115:2, 126:11, 128:17, 128:18, 131:13, 131:15, 131:18, 132:17, 133:18, 134:1, 134:13, 134:14, 134:15, 136:19, 137:18, 142:9, 142:15, 148:14, 148:22, 149:18, 174:16, 181:11, 190:13, 325:8 Brand [1] - 241:22 brand's [1] - 58:10 BRANDI [1] - 1:16 Brandi [16] - 5:1, 254:9, 254:12, 256:13, 256:24, 276:10, 277:4, 277:14, 326:17, 327:3, 327:14, 327:16, 330:4, 336:9, 337:4, 338:6 Brandi's [3] - 14:14, 326:11, 326:13 brands [65] - 25:3, 26:19, 27:16, 28:5, 28:21, 30:22, 31:1, | 31:9, 31:11, 31:12, 31:18, 32:9, 32:11, 32:13, 32:18, 32:19, 32:20, 32:23, 33:6, 33:8, 33:11, 33:12, 33:19, 33:23, 36:12, 36:17, 36:22, 37:2, 37:4, 37:5, 37:17, 37:24, 38:16, 39:23, 56:22, 57:4, 57:8, 58:20, 59:2, 61:13, 62:25, 64:11, 64:15, 64:22, 65:4, 65:20, 72:9, 76:14, 77:1, 77:2, 77:5, 78:5, 126:8, 129:11, 132:15, 132:16, 134:11, 135:6, 137:8, 137:21, 137:23, 138:1 break [11] - 21:21, 22:16, 22:19, 92:2, 92:8, 200:4, 200:6, 200:7, 200:10, 232:2 BREAK [1] - 22:23 breakfast [2] - 237:4, 237:8 breaking [2] - 231:23, 296:22 breaks [2] - 248:5, 248:7 bridge [1] - 78:12 brief [2] - 6:6, 41:11 briefly [1] - 81:9 bright [1] - 295:24 bring [11] - 143:19, 202:18, 206:6, 221:13, 226:1, 226:8, 226:10, 226:11, 226:12, 226:13, 332:17 bringing [1] - 225:19 brings [4] - 22:16, 129:1, 245:22, 271:4 broad [4] - 32:15, 69:2, 324:7, 324:9 Broadway [1] - 227:14 broke [1] - 331:7 broken [1] - 331:5 Bros [1] - 240:8 Brother's [1] - 239:7 Brothers [6] - 219:21, 220:15, 231:8, 246:23, 246:24, 248:1 brought [12] - 86:17, 124:8, 184:24, 203:7, 204:14, 205:14, 211:12, 214:1, 246:6, 253:9, 253:10, 265:25 |
|--|---|---|--|---|

| | | | | |
|---|---|--|---|--|
| <p>Brown [7] - 43:19, 244:16, 244:19, 245:22, 248:7, 248:10, 248:11</p> <p>brown [3] - 267:5, 336:9, 336:13</p> <p>Brown-Forman [1] - 43:19</p> <p>BRUCE [1] - 93:2</p> <p>Bruce [5] - 3:4, 91:20, 92:17, 93:8, 93:16</p> <p>Bruni [5] - 230:9, 230:14, 231:12, 331:25, 332:5</p> <p>buccaneers [5] - 320:25, 321:5, 321:10, 321:14, 321:20</p> <p>budget [2] - 27:23, 28:16</p> <p>Buffalo [1] - 259:25</p> <p>bug [1] - 220:25</p> <p>build [2] - 231:14, 233:9</p> <p>building [1] - 8:14</p> <p>built [1] - 271:13</p> <p>bullet [5] - 293:1, 293:14, 293:18, 294:10, 294:17</p> <p>bump [1] - 317:16</p> <p>bunch [2] - 286:5, 286:14</p> <p>burden [1] - 21:15</p> <p>burned [2] - 205:22, 205:24</p> <p>Burt [1] - 259:24</p> <p>buses [1] - 237:24</p> <p>business [35] - 24:19, 26:6, 28:1, 29:13, 41:24, 44:25, 53:23, 56:7, 77:21, 77:23, 78:8, 78:10, 87:16, 95:19, 95:21, 201:20, 202:13, 203:13, 205:23, 221:1, 228:17, 233:22, 234:23, 235:9, 243:4, 245:2, 245:20, 248:4, 248:5, 248:11, 256:13, 262:15, 289:21, 290:2, 334:4</p> <p>Business [5] - 95:20, 95:22, 96:13, 97:12</p> <p>businesses [1] - 97:15</p> <p>businessman [1] - 335:3</p> <p>busy [1] - 7:18</p> | <p>button [1] - 251:20</p> <p>buy [16] - 62:7, 62:13, 62:16, 62:19, 90:20, 90:24, 90:25, 91:1, 104:9, 104:17, 150:1, 184:18, 204:25, 205:5, 209:8, 294:11</p> <p>buyer [1] - 243:7</p> <p>buyers [1] - 259:2</p> <p>buying [5] - 65:5, 94:13, 158:19, 294:14</p> <p>buys [1] - 90:5</p> <p>BY [78] - 2:4, 2:7, 2:11, 2:14, 2:18, 24:10, 48:2, 52:1, 59:12, 70:6, 73:16, 78:20, 79:1, 79:17, 79:25, 81:4, 86:13, 87:8, 89:6, 89:13, 90:12, 93:13, 105:21, 124:5, 144:18, 151:9, 174:8, 175:24, 178:6, 182:18, 184:9, 192:14, 201:4, 208:8, 212:16, 215:1, 215:19, 250:15, 252:6, 254:4, 254:10, 257:14, 262:11, 263:11, 263:16, 264:1, 264:18, 266:15, 269:20, 274:4, 274:16, 276:25, 277:23, 281:3, 281:19, 285:6, 285:23, 286:22, 287:18, 291:5, 293:12, 297:21, 305:14, 306:17, 309:2, 310:8, 312:5, 313:18, 324:15, 328:18, 331:2, 332:2, 332:14, 332:20, 333:23, 335:2, 335:21, 336:19</p> | <p>calculations [1] - 119:11</p> <p>CALIFORNIA [7] - 1:3, 1:21, 1:24, 2:12, 4:2, 347:7, 347:11</p> <p>California [4] - 1:15, 189:25, 215:14, 215:16</p> <p>Camarena [1] - 68:11</p> <p>campaign [1] - 235:16</p> <p>Canada [18] - 76:20, 81:7, 189:18, 190:1, 215:9, 216:22, 217:1, 220:1, 225:19, 226:1, 226:9, 226:16, 227:1, 232:20, 232:21, 242:22, 245:11, 245:23</p> <p>Canadian [20] - 1:12, 76:23, 77:1, 77:2, 77:3, 77:5, 77:7, 80:9, 80:18, 215:10, 215:12, 219:1, 219:5, 219:6, 219:10, 220:2, 220:8, 245:3, 245:4, 245:5</p> <p>Candy [2] - 222:5, 222:12</p> <p>cane [1] - 228:6</p> <p>cannot [5] - 41:16, 41:18, 46:24, 46:25, 130:11</p> <p>canted [6] - 251:19, 252:11, 252:22, 253:2, 253:4, 271:7</p> <p>canvas [1] - 236:16</p> <p>cap [36] - 189:1, 189:20, 269:10, 269:23, 279:1, 279:4, 279:8, 279:9, 279:10, 279:13, 279:14, 279:16, 279:18, 279:21, 279:22, 280:1, 280:2, 318:14, 318:15, 318:19, 319:13, 319:14, 319:16, 319:19, 319:21, 319:25, 320:16, 320:21, 335:13, 335:14, 336:1, 336:2, 336:9, 336:12</p> <p>cap's [1] - 270:1</p> <p>capable [1] - 289:22</p> <p>capacity [2] - 29:6, 209:6</p> <p>caps [3] - 61:3, 269:9, 336:14</p> | <p>Captain [2] - 67:18, 67:25</p> <p>caption [1] - 187:15</p> <p>Car [1] - 236:13</p> <p>car [2] - 202:4, 242:8</p> <p>card [1] - 220:18</p> <p>care [7] - 12:3, 217:6, 217:7, 260:17, 290:16, 293:19</p> <p>cared [1] - 163:18</p> <p>career [10] - 172:18, 220:19, 220:25, 224:3, 224:8, 244:8, 244:18, 275:16, 275:18, 275:19</p> <p>careful [3] - 64:22, 64:25, 65:2</p> <p>carefully [2] - 260:10, 279:3</p> <p>caretaker [1] - 296:19</p> <p>Carriers [1] - 220:1</p> <p>carry [4] - 202:2, 204:15, 205:16, 220:4</p> <p>cars [1] - 219:3</p> <p>carved [1] - 297:4</p> <p>casa [1] - 68:11</p> <p>case [69] - 5:4, 6:20, 7:6, 12:1, 12:25, 17:19, 17:20, 18:7, 29:3, 29:4, 30:2, 30:20, 38:11, 46:11, 47:7, 50:1, 53:14, 53:15, 53:21, 54:13, 54:18, 55:25, 56:3, 56:14, 58:23, 64:10, 64:18, 65:23, 67:17, 72:19, 74:5, 84:17, 85:19, 108:2, 111:6, 125:7, 129:15, 129:20, 131:7, 143:22, 156:6, 156:10, 166:2, 172:11, 175:22, 176:14, 176:18, 176:19, 176:20, 176:21, 177:5, 177:10, 177:21, 177:23, 179:3, 179:15, 190:16, 192:16, 192:18, 192:20, 193:2, 196:6, 196:12, 199:3, 211:3, 211:8, 276:10, 337:20</p> <p>cases [11] - 99:19, 99:21, 166:8, 171:5, 188:1, 188:11, 188:12, 190:17, 243:6, 243:12, 243:17</p> <p>cash [1] - 202:1</p> | <p>cashier [1] - 203:24</p> <p>cast [1] - 222:23</p> <p>catalog [2] - 77:17, 77:18</p> <p>categories [11] - 24:23, 32:14, 32:16, 32:19, 33:6, 33:19, 35:13, 65:10, 71:4, 141:16, 141:17</p> <p>categorize [3] - 53:20, 64:17, 64:24</p> <p>category [17] - 31:25, 32:4, 63:21, 63:22, 64:2, 64:12, 75:18, 75:20, 76:4, 80:5, 108:1, 137:6, 137:8, 141:23, 160:15, 180:6, 292:23</p> <p>Catherine [2] - 222:5, 222:14</p> <p>catted [2] - 250:19, 250:22</p> <p>caudad [3] - 250:23, 251:2, 251:5</p> <p>caught [1] - 206:22</p> <p>caused [2] - 12:6, 260:14</p> <p>causing [1] - 195:3</p> <p>Cazadores [1] - 43:19</p> <p>Cazul [5] - 161:5, 161:7, 162:20, 167:6, 167:7</p> <p>CBC [1] - 221:12</p> <p>CBM [1] - 1:13</p> <p>CD's [1] - 239:6</p> <p>cease [4] - 258:7, 261:24, 277:3, 277:6</p> <p>celebrating [1] - 320:13</p> <p>Celebration [1] - 305:22</p> <p>celebration [4] - 186:9, 303:24, 305:12, 305:15</p> <p>celebrity [6] - 38:11, 38:12, 39:1, 81:24, 82:5, 82:15</p> <p>center [5] - 37:14, 39:6, 270:21, 270:22, 270:24</p> <p>CENTRAL [2] - 1:3, 347:10</p> <p>Central [1] - 304:2</p> <p>cents [1] - 245:12</p> <p>century [1] - 325:12</p> <p>CENTURY [1] - 2:11</p> <p>ceramic [4] - 60:6, 261:4, 310:13, 310:16</p> <p>certain [9] - 64:3,</p> |
| C | | | | |
| <p>CA [1] - 2:20</p> <p>cabaret [1] - 221:16</p> <p>Cabs [1] - 240:10</p> <p>cafe [1] - 225:19</p> <p>calavera [2] - 267:9, 306:22</p> <p>calaveras [7] - 168:11, 181:23, 306:20, 306:21, 307:1, 327:11, 327:20</p> <p>calculation [1] - 195:21</p> | | | | |

| | | | | |
|---|---|--|---|--|
| <p>102:13, 105:14, 137:6, 145:1, 145:3, 145:5, 316:22, 340:19 certainly [14] - 10:7, 15:12, 16:22, 48:16, 87:11, 87:20, 87:24, 188:24, 224:1, 235:5, 284:1, 326:19, 331:4 CERTIFICATE [1] - 347:3 CERTIFIED [1] - 1:12 CERTIFY [1] - 347:11 chain [1] - 235:11 chance [6] - 5:25, 61:23, 116:17, 116:23, 117:24, 223:6 chances [1] - 14:22 Chanel [1] - 227:25 change [4] - 213:6, 213:20, 338:9, 338:11 changed [3] - 162:18, 294:19, 334:10 changes [3] - 87:4, 90:7, 193:3 changing [3] - 291:23, 291:25, 333:16 channel [2] - 78:7, 90:18 Chapter [1] - 220:12 chapter [1] - 220:13 characteristics [1] - 291:20 characterize [1] - 274:18 characters [1] - 320:11 charcoal [1] - 227:17 charge [3] - 246:15, 246:21, 247:3 charged [1] - 27:17 charity [2] - 213:11 chart [1] - 165:21 Chatham [1] - 234:13 check [1] - 288:12 checked [2] - 12:4, 115:12 checking [2] - 154:1, 206:18 cheek [7] - 315:5, 315:7, 315:11, 315:14, 315:18, 315:22 cheeks [2] - 272:1, 272:4 cheese [2] - 103:13 chemistry [1] -</p> | <p>323:12 Chicago [5] - 221:20, 221:22, 240:1, 259:21, 259:23 chief [10] - 27:6, 27:10, 27:20, 28:8, 28:19, 52:12, 201:13, 202:14, 204:2 children [3] - 216:10, 216:15, 297:14 chin [6] - 269:6, 270:21, 270:23, 270:24, 287:6, 287:16 Chinese [1] - 261:19 chip [3] - 261:3, 261:11, 261:13 chiseled [2] - 272:14, 272:19 choice [3] - 67:24, 67:25, 71:24 choices [1] - 33:6 choose [6] - 32:24, 60:21, 70:21, 72:6, 202:17, 295:24 chooses [1] - 67:13 choosing [1] - 70:17 chop [3] - 246:25, 248:2, 269:7 Chopin [1] - 40:12 chose [2] - 70:21, 160:12 chosen [1] - 105:10 Christina's [1] - 255:18 circle [1] - 266:4 circuit [1] - 184:10 Circuit [1] - 14:6 circulated [2] - 268:20, 295:19 circumstances [3] - 71:10, 223:9, 249:21 Ciroc [3] - 43:22, 82:8, 84:11 cities [5] - 217:18, 238:1, 239:21, 239:22, 239:25 citizen [2] - 215:10, 215:12 City [6] - 221:14, 221:16, 222:11, 296:20, 320:8, 320:10 claim [3] - 65:20, 329:12, 329:18 claimed [5] - 283:5, 285:13, 285:15, 285:22, 329:15 claiming [1] - 283:24 claims [2] - 94:17, 94:22 clarification [1] -</p> | <p>344:16 clarify [2] - 264:13, 283:20 class [2] - 255:14, 263:13 classes [1] - 95:25 classify [1] - 99:8 clay [1] - 267:9 clean [5] - 66:23, 232:18, 233:23, 236:14, 236:16 cleanliness [3] - 228:10, 229:24, 296:8 clear [29] - 35:17, 37:12, 37:21, 40:13, 57:23, 60:14, 68:2, 74:21, 161:16, 205:1, 213:19, 256:3, 270:9, 271:7, 271:11, 283:9, 283:10, 283:11, 283:13, 283:14, 283:17, 288:16, 299:16, 300:2, 318:1, 328:19, 339:22, 342:2, 342:3 clearest [1] - 299:21 clearly [7] - 38:8, 39:22, 164:3, 182:10, 182:12, 318:17, 337:11 clenched [1] - 316:16 clerk [18] - 5:16, 15:5, 18:11, 18:12, 18:15, 21:24, 22:16, 92:19, 124:2, 197:5, 199:13, 199:18, 200:1, 219:10, 252:2, 252:4, 280:19, 280:25 CLERK [18] - 4:6, 22:20, 22:25, 23:23, 24:5, 92:4, 92:25, 93:6, 182:14, 182:17, 197:17, 200:18, 200:23, 214:15, 214:20, 287:14, 338:21, 345:25 client [1] - 25:7 clip [1] - 310:3 clock [1] - 150:19 close [10] - 66:2, 66:10, 134:21, 138:13, 223:20, 271:24, 309:11, 309:13, 309:18, 309:19 closed [2] - 148:5, 316:16 closely [2] - 83:6, 213:2</p> | <p>closer [1] - 66:13 closest [1] - 162:14 closings [1] - 19:12 closure [1] - 61:1 cloth [1] - 298:24 cloudy [1] - 300:3 CN [1] - 219:6 co [1] - 185:23 co-founded [1] - 185:23 Coast [1] - 240:11 Coca [6] - 100:15, 100:21, 102:8, 102:10, 329:14, 329:24 Coca-Cola [6] - 100:15, 100:21, 102:8, 102:10, 329:14, 329:24 cocktail [2] - 232:1, 301:19 CODE [1] - 347:12 coeducational [1] - 218:15 Cognac [1] - 26:22 cognitive [1] - 135:18 Coke [1] - 329:24 cola [3] - 100:13, 100:15 Cola [6] - 100:15, 100:21, 102:8, 102:10, 329:14, 329:24 cold [1] - 112:2 collaborate [1] - 229:17 collaborated [1] - 230:3 colleague [3] - 29:17, 274:13, 339:19 colleagues [2] - 52:6, 222:15 collected [2] - 182:19, 224:17 collection [2] - 85:18, 180:14 Collectors [1] - 294:10 collectors [1] - 294:14 college [4] - 218:16, 218:18, 219:18, 220:22 Color [1] - 285:15 color [11] - 60:12, 194:12, 224:11, 267:4, 267:5, 283:5, 283:7, 283:19, 285:22, 336:21, 337:2</p> | <p>colored [3] - 60:15, 111:14, 283:24 colorful [2] - 179:4, 179:11 coloring [1] - 66:4 colorings [1] - 66:5 colorless [5] - 65:18, 66:11, 66:14, 66:22, 68:3 colors [1] - 171:11 Colors [1] - 285:13 column [2] - 183:16, 196:11 combined [1] - 165:20 comedians [1] - 244:13 coming [17] - 11:25, 34:25, 42:12, 93:24, 104:18, 227:2, 227:10, 235:13, 238:16, 238:18, 242:25, 243:22, 252:15, 259:8, 260:7, 274:24 commemorating [1] - 281:21 commence [1] - 276:3 comment [10] - 155:14, 156:2, 156:20, 176:8, 275:5, 275:6, 310:20, 311:6, 311:11, 312:6 comments [20] - 153:21, 154:2, 154:25, 155:2, 155:8, 155:11, 155:13, 156:18, 178:10, 178:11, 178:14, 178:15, 178:19, 178:24, 179:3, 191:4, 192:6, 302:20, 338:23 commerce [2] - 262:16, 335:11 commercial [2] - 44:23, 94:10 Commission [2] - 95:4, 175:11 commission [1] - 226:15 commissioned [1] - 138:16 commitment [2] - 224:10, 247:23 common [8] - 43:25, 109:12, 141:23, 151:19, 153:11, 153:12, 171:12, 290:12</p> |
|---|---|--|---|--|

| | | | | |
|--|--|--|--|---|
| <p>commonly [4] - 115:13, 115:14, 137:14, 323:5</p> <p>communicate [1] - 191:17</p> <p>communication [2] - 28:21, 37:14</p> <p>communication's [1] - 27:13</p> <p>companies [19] - 25:1, 25:2, 68:7, 68:13, 68:15, 94:8, 94:11, 94:18, 94:20, 94:23, 104:21, 137:4, 141:23, 187:3, 188:12, 191:1, 191:16, 230:13, 261:19</p> <p>Company [5] - 25:8, 26:8, 68:9, 187:22, 242:22</p> <p>company [82] - 25:9, 25:13, 26:7, 26:11, 26:21, 27:3, 41:21, 42:7, 43:21, 44:18, 44:22, 52:20, 53:7, 68:8, 68:16, 74:24, 81:18, 86:18, 87:20, 104:2, 104:20, 104:22, 111:14, 115:1, 115:4, 115:5, 115:6, 116:4, 116:7, 116:11, 116:15, 116:18, 117:3, 117:6, 117:18, 117:22, 118:3, 118:16, 118:18, 119:5, 122:4, 126:9, 126:12, 127:2, 127:3, 127:5, 140:7, 140:9, 140:10, 140:12, 142:3, 142:20, 149:17, 172:17, 172:25, 185:15, 187:25, 188:8, 201:13, 202:21, 203:4, 203:11, 203:19, 205:9, 229:3, 229:8, 230:8, 230:11, 246:16, 246:22, 247:3, 247:4, 248:9, 253:12, 257:25, 262:4, 264:6, 289:24, 292:6, 329:6, 330:1, 333:1</p> <p>company's [1] - 27:17</p> <p>compare [9] - 112:7, 119:18, 120:3, 135:2, 135:14, 166:22,</p> | <p>252:10, 272:11, 288:2</p> <p>compared [3] - 136:21, 174:15, 286:11</p> <p>comparing [2] - 113:3, 317:19</p> <p>comparisons [4] - 132:21, 267:20, 267:22, 268:2</p> <p>Compass [1] - 221:21</p> <p>compelling [2] - 34:12</p> <p>compensate [1] - 106:10</p> <p>compensated [2] - 247:22, 247:24</p> <p>compete [3] - 63:23, 68:25, 70:8</p> <p>competing [2] - 69:13, 70:3</p> <p>Competition [2] - 129:9, 241:21</p> <p>competition [3] - 35:2, 35:6, 67:19</p> <p>competitive [10] - 34:10, 35:13, 35:18, 36:6, 63:5, 63:9, 63:12, 63:15, 67:9, 68:3</p> <p>competitor [2] - 39:15, 67:18</p> <p>complained [1] - 247:20</p> <p>complete [5] - 42:15, 199:10, 199:15, 212:25, 341:14</p> <p>completed [1] - 293:8</p> <p>completely [5] - 41:3, 65:8, 141:16, 205:24, 319:22</p> <p>completes [1] - 59:9</p> <p>complex [3] - 70:11, 70:13, 78:3</p> <p>complexity [2] - 70:15, 230:16</p> <p>complimentary [2] - 103:12, 139:14</p> <p>comply [1] - 277:11</p> <p>component [1] - 320:5</p> <p>comport [1] - 263:4</p> <p>comprehensive [1] - 237:12</p> <p>computer [6] - 106:20, 113:16, 205:24, 231:6, 231:11</p> <p>computers [1] - 204:7</p> | <p>concept [2] - 229:10, 305:16</p> <p>concern [5] - 163:16, 163:21, 164:6, 233:18, 259:5</p> <p>concerned [10] - 5:20, 10:2, 12:11, 12:19, 163:24, 164:18, 254:23, 261:15, 261:21, 261:22</p> <p>concerning [2] - 199:16, 343:21</p> <p>concerns [2] - 229:19, 232:10</p> <p>concert [4] - 39:4, 246:23, 246:24, 248:1</p> <p>conclude [1] - 142:19</p> <p>CONCLUDED [1] - 346:2</p> <p>concluded [6] - 145:25, 149:1, 149:21, 151:17, 177:14, 190:9</p> <p>concludes [1] - 187:24</p> <p>concluding [1] - 187:25</p> <p>conclusion [7] - 36:3, 157:8, 173:5, 173:6, 173:7, 185:14, 207:13</p> <p>concourse [6] - 105:24, 105:25, 106:12, 107:6, 123:8, 131:5</p> <p>conditions [2] - 128:15, 130:5</p> <p>conduct [16] - 70:15, 70:23, 86:2, 94:5, 96:21, 98:10, 98:25, 99:3, 99:7, 108:12, 122:19, 130:18, 139:1, 140:16, 166:19, 330:21</p> <p>conducted [33] - 28:15, 38:24, 47:12, 96:3, 96:15, 97:3, 97:6, 98:20, 99:4, 99:8, 105:2, 105:5, 105:8, 105:15, 105:16, 105:19, 108:13, 113:18, 122:20, 123:1, 123:3, 123:5, 130:15, 130:20, 137:10, 137:11, 143:13, 153:16, 172:12, 172:20, 172:21,</p> | <p>173:14, 191:22</p> <p>conducting [6] - 56:24, 95:7, 106:19, 109:3, 140:20, 276:14</p> <p>conducts [1] - 94:25</p> <p>cone [4] - 323:8, 323:9, 323:10, 323:18</p> <p>confer [4] - 13:20, 18:21, 21:3, 274:13</p> <p>CONFERENCE [1] - 347:17</p> <p>conferences [1] - 96:23</p> <p>conferencing [2] - 11:12, 23:7</p> <p>conferred [1] - 257:25</p> <p>confident [1] - 168:7</p> <p>configuration [5] - 263:20, 278:4, 278:8, 278:10, 278:11</p> <p>confines [1] - 106:7</p> <p>confirm [1] - 107:10</p> <p>confirmed [5] - 125:4, 125:5, 125:6, 125:8, 125:10</p> <p>conflict [1] - 227:7</p> <p>CONFORMANCE [1] - 347:16</p> <p>confuse [7] - 95:12, 98:12, 100:10, 100:24, 101:14, 143:24, 273:5</p> <p>confused [23] - 14:17, 44:7, 44:15, 45:2, 86:5, 86:14, 100:15, 123:16, 147:1, 147:7, 147:11, 147:18, 147:22, 148:15, 169:22, 183:9, 191:10, 191:12, 191:13, 210:3, 213:16, 255:4, 255:17</p> <p>confusing [2] - 185:17, 228:22</p> <p>confusingly [1] - 273:14</p> <p>confusion [88] - 85:13, 85:20, 85:23, 86:3, 95:10, 98:17, 99:6, 99:9, 99:24, 103:20, 103:21, 103:22, 103:23, 104:3, 104:7, 104:16, 105:20, 111:19, 111:20, 111:22, 113:6, 115:22, 115:25, 117:9, 119:16, 120:4, 120:5,</p> | <p>120:24, 121:2, 121:23, 127:12, 127:13, 129:17, 129:25, 143:23, 144:6, 144:25, 146:1, 147:9, 147:24, 148:17, 149:7, 156:6, 156:10, 157:9, 164:15, 164:16, 164:17, 165:5, 165:6, 165:23, 169:25, 171:24, 172:4, 176:3, 176:10, 178:25, 181:10, 183:5, 185:11, 185:12, 185:17, 188:21, 188:23, 190:11, 194:24, 195:8, 195:14, 195:18, 196:3, 196:4, 196:5, 196:9, 196:14, 196:19, 254:21, 254:23, 255:7, 255:16, 255:22, 256:19, 260:14, 272:8, 273:19, 288:25</p> <p>Confusion [1] - 99:5</p> <p>congratulating [1] - 259:9</p> <p>connect [2] - 102:15, 299:10</p> <p>connected [5] - 282:3, 301:24, 302:20, 303:7, 303:20</p> <p>connecting [1] - 282:6</p> <p>CONNECTION [1] - 45:19</p> <p>connection [18] - 13:15, 102:1, 129:1, 135:18, 156:5, 156:9, 172:12, 195:3, 207:7, 207:10, 299:14, 303:17, 303:22, 305:10, 306:5, 306:24</p> <p>conquered [1] - 321:6</p> <p>conquest [1] - 322:1</p> <p>conservative [2] - 196:2, 196:17</p> <p>consider [16] - 23:19, 29:24, 47:8, 50:11, 50:16, 63:14, 107:14, 150:10, 150:11, 150:14, 150:22, 158:18, 261:19, 280:8, 284:24, 324:13</p> <p>consideration [1] - 305:20</p> |
|--|--|--|--|---|

| | | | | |
|--|---|---|---|---|
| <p>considered [7] - 55:4, 74:3, 77:25, 78:2, 144:25, 323:23, 324:8</p> <p>considering [3] - 23:18, 46:9, 218:10</p> <p>consist [1] - 228:20</p> <p>consistent [10] - 32:7, 35:25, 36:8, 37:1, 50:7, 50:13, 134:10, 142:21, 173:5, 262:21</p> <p>consistently [1] - 31:20</p> <p>consisting [1] - 110:8</p> <p>consists [2] - 263:18, 263:19</p> <p>construction [1] - 117:14</p> <p>CONSUELO [1] - 1:7</p> <p>consultant [2] - 53:5, 54:1</p> <p>Consultant's [1] - 56:21</p> <p>Consulting [13] - 24:15, 24:19, 24:20, 25:17, 25:20, 25:25, 26:3, 28:25, 52:17, 53:7, 53:11, 53:24, 56:17</p> <p>consulting [10] - 24:21, 52:17, 56:17, 56:25, 68:6, 68:12, 77:21, 77:23, 93:21, 94:1</p> <p>consumed [3] - 35:23, 35:24</p> <p>consumer [49] - 28:10, 28:12, 28:18, 32:19, 36:9, 36:11, 42:12, 42:16, 44:15, 58:11, 58:20, 67:12, 67:24, 70:11, 70:13, 90:9, 90:24, 95:10, 95:25, 97:1, 97:2, 97:10, 98:23, 98:25, 99:3, 99:4, 103:16, 120:23, 129:25, 141:9, 141:18, 142:1, 142:16, 142:19, 188:3, 188:4, 188:6, 188:10, 188:18, 190:5, 190:20, 234:15, 234:24, 260:15, 308:10, 308:16, 308:24</p> <p>consumer's [2] - 139:21, 140:2</p> <p>consumers [43] -</p> | <p>32:13, 32:15, 33:5, 33:11, 34:11, 35:23, 35:24, 38:17, 42:9, 44:8, 64:21, 65:7, 70:16, 70:20, 71:6, 71:10, 71:17, 71:20, 72:11, 94:3, 94:21, 95:12, 98:11, 101:4, 101:13, 102:22, 108:3, 130:23, 137:6, 140:11, 140:14, 140:19, 143:23, 157:18, 190:21, 190:23, 193:25, 235:18, 236:3, 239:11, 290:12, 291:2</p> <p>consumers' [2] - 103:8, 130:8</p> <p>consuming [2] - 32:16, 239:1</p> <p>consumption [2] - 36:15, 105:12</p> <p>contact [3] - 53:10, 73:20, 74:5</p> <p>contacted [3] - 208:16, 211:4, 222:18</p> <p>contain [1] - 312:19</p> <p>contained [1] - 168:10</p> <p>container [1] - 100:13</p> <p>containment [1] - 256:5</p> <p>contains [1] - 185:25</p> <p>contemplated [1] - 256:9</p> <p>content [3] - 212:7, 212:9, 234:20</p> <p>contents [2] - 79:12, 285:18</p> <p>contest [1] - 241:24</p> <p>context [11] - 36:21, 77:20, 85:15, 86:16, 88:10, 88:11, 145:1, 145:4, 145:5, 150:16, 191:25</p> <p>continue [4] - 45:24, 57:18, 239:12, 241:9</p> <p>continued [1] - 303:1</p> <p>continues [1] - 260:14</p> <p>continuing [1] - 96:21</p> <p>continuously [1] - 207:23</p> <p>contours [1] - 316:22</p> <p>contractor [1] - 219:19</p> <p>Control [14] -</p> | <p>113:13, 113:14, 113:15, 113:20, 119:25, 120:1, 120:12, 164:20, 194:23, 195:21, 196:13</p> <p>control [32] - 46:15, 78:9, 110:17, 110:20, 110:22, 111:5, 111:25, 112:15, 112:16, 112:22, 113:25, 120:14, 120:15, 120:18, 129:14, 145:19, 145:20, 162:19, 163:10, 167:7, 167:11, 167:15, 167:22, 168:1, 168:4, 194:25, 195:1, 195:4, 196:3, 196:14, 255:3, 255:15</p> <p>controls [21] - 110:18, 111:2, 113:2, 113:5, 113:22, 114:1, 114:4, 118:25, 119:20, 124:18, 155:5, 163:11, 163:12, 167:4, 195:8, 195:10, 195:12, 195:16, 196:2, 196:18</p> <p>convenience [3] - 11:23, 13:18, 101:3</p> <p>convention [7] - 38:19, 249:23, 258:12, 258:15, 258:24, 259:9, 259:12</p> <p>converge [1] - 128:3</p> <p>conversation [3] - 48:12, 48:16, 197:13</p> <p>conversations [1] - 211:11</p> <p>converted [1] - 161:3</p> <p>converts [1] - 245:7</p> <p>convey [3] - 187:19, 229:23, 320:8</p> <p>conveying [1] - 309:6</p> <p>conviction [2] - 267:15, 267:17</p> <p>convinced [1] - 336:12</p> <p>cool [1] - 62:4</p> <p>cooler [1] - 40:9</p> <p>cooler-type [1] - 40:9</p> <p>copied [3] - 250:21, 267:16, 344:17</p> <p>copies [3] - 46:14, 256:18, 286:8</p> <p>COPY [1] - 1:12</p> | <p>copy [10] - 54:23, 251:22, 264:11, 267:2, 268:9, 273:3, 288:20, 288:22, 289:2, 289:4</p> <p>copying [1] - 251:1</p> <p>copyrights [2] - 13:15, 345:12</p> <p>Corcoran [2] - 224:23, 225:2</p> <p>cork [2] - 85:9, 85:10</p> <p>corn [4] - 234:5, 234:13, 234:15, 234:17</p> <p>corner [1] - 335:20</p> <p>Corona [2] - 208:14</p> <p>Corporation [3] - 24:15, 233:2, 253:4</p> <p>corporation [2] - 1:12, 1:15</p> <p>corporations [1] - 25:6</p> <p>correct [203] - 29:1, 29:10, 30:11, 44:13, 48:13, 52:17, 52:18, 52:21, 53:11, 53:12, 53:16, 53:17, 53:19, 54:11, 54:14, 54:18, 54:21, 55:13, 55:16, 55:23, 55:25, 56:3, 56:18, 57:2, 57:13, 58:24, 58:25, 59:5, 59:7, 60:6, 60:7, 60:9, 60:16, 60:23, 61:3, 61:20, 63:25, 65:15, 67:6, 67:10, 67:11, 68:4, 68:19, 68:20, 68:25, 73:4, 73:5, 74:2, 74:9, 75:14, 76:9, 81:15, 82:4, 82:21, 83:5, 84:4, 84:16, 84:24, 85:9, 86:6, 87:18, 89:17, 89:20, 90:3, 90:7, 90:21, 91:5, 91:23, 91:24, 92:10, 92:11, 92:22, 92:23, 109:20, 119:7, 121:5, 124:8, 128:23, 132:10, 135:13, 139:3, 143:1, 143:4, 143:8, 145:5, 145:8, 146:12, 146:15, 146:19, 146:21, 147:17, 148:4, 148:24, 149:4, 151:7, 151:24, 158:11, 159:4, 159:13, 160:11, 160:23, 161:10, 161:15, 161:17,</p> | <p>161:21, 162:2, 162:11, 162:22, 165:2, 165:3, 165:11, 166:1, 167:13, 168:18, 169:6, 169:15, 169:19, 171:22, 172:2, 172:6, 172:10, 173:21, 174:23, 174:25, 175:9, 175:12, 179:18, 180:2, 181:2, 181:5, 181:7, 181:9, 182:22, 188:17, 190:12, 190:23, 191:10, 191:11, 192:5, 192:9, 192:23, 193:5, 195:17, 196:10, 202:19, 209:3, 209:4, 209:10, 210:4, 212:19, 221:5, 223:16, 228:23, 243:15, 249:3, 250:5, 255:6, 263:23, 277:8, 277:18, 278:2, 278:19, 278:20, 279:14, 282:20, 282:22, 282:24, 283:9, 291:10, 291:13, 293:20, 304:21, 304:23, 305:22, 305:24, 305:25, 306:3, 308:10, 309:5, 309:10, 309:12, 309:14, 310:21, 314:6, 314:7, 314:11, 314:19, 316:17, 319:5, 319:6, 319:9, 319:11, 322:15, 322:21, 325:21, 326:1, 329:19, 339:4, 339:5, 342:14, 342:17</p> <p>CORRECT [1] - 347:13</p> <p>correction [1] - 52:25</p> <p>correctional [1] - 219:11</p> <p>corrections [1] - 220:25</p> <p>correctly [9] - 54:12, 63:21, 84:9, 146:17, 147:14, 183:3, 183:22, 183:24, 308:14</p> <p>corroborates [1] - 138:12</p> <p>cosmic [1] - 298:7</p> <p>Cosmos [2] - 236:13, 236:19</p> |
|--|---|---|---|---|

| | | | | |
|--|---|---|---|--|
| <p>cost [2] - 251:14, 253:6</p> <p>Costco [1] - 240:9</p> <p>counsel [58] - 4:9, 21:23, 23:20, 47:14, 50:1, 50:6, 50:19, 59:9, 69:21, 73:12, 79:16, 79:21, 80:14, 89:4, 92:20, 93:10, 144:15, 154:15, 164:12, 165:18, 182:14, 184:4, 187:7, 187:12, 197:8, 197:20, 197:21, 198:13, 198:15, 199:20, 200:5, 200:8, 214:13, 214:24, 264:15, 276:11, 276:13, 276:17, 284:13, 293:10, 304:19, 305:6, 313:9, 324:4, 328:14, 330:19, 333:12, 333:21, 334:22, 335:13, 336:16, 336:20, 339:18, 340:7, 343:15, 344:9, 344:16</p> <p>COUNSEL [1] - 2:2</p> <p>Counsel [8] - 23:1, 51:5, 79:10, 80:22, 80:25, 215:17, 285:17, 308:13</p> <p>counsel's [1] - 81:3</p> <p>count [4] - 57:8, 89:18, 259:15, 259:18</p> <p>country [12] - 39:25, 105:9, 105:13, 105:17, 122:22, 140:11, 226:10, 226:13, 226:14, 226:17, 237:7, 237:16</p> <p>counts [1] - 74:20</p> <p>County [1] - 240:12</p> <p>COUNTY [1] - 347:5</p> <p>couple [14] - 39:21, 128:21, 166:20, 229:4, 238:16, 239:17, 240:1, 240:10, 241:18, 247:18, 259:19, 275:12, 338:8, 338:23</p> <p>courier [1] - 219:20</p> <p>course [22] - 5:17, 7:19, 27:11, 34:2, 36:18, 38:6, 49:8, 61:5, 89:10, 95:24, 96:11, 106:23, 198:18, 211:13, 213:9, 250:4, 255:21,</p> | <p>268:5, 279:25, 280:4, 308:8, 309:1</p> <p>Court [54] - 6:6, 7:15, 7:22, 7:24, 8:18, 8:23, 9:2, 9:3, 12:11, 12:23, 12:24, 14:3, 15:13, 15:14, 15:18, 16:13, 17:1, 17:10, 21:15, 46:12, 47:16, 47:18, 47:19, 49:12, 49:20, 50:2, 50:4, 50:22, 51:1, 51:2, 59:8, 69:21, 89:2, 92:4, 151:6, 197:7, 197:24, 199:3, 200:6, 276:16, 280:13, 281:11, 311:24, 312:3, 313:5, 337:5, 339:6, 339:13, 342:15, 342:19, 343:17, 345:1</p> <p>COURT [219] - 1:2, 1:23, 4:12, 4:16, 4:19, 4:24, 5:2, 6:12, 6:16, 7:14, 8:3, 8:6, 8:16, 9:10, 9:16, 10:10, 10:13, 10:18, 11:18, 12:16, 12:18, 13:3, 13:6, 13:19, 14:8, 14:18, 15:4, 15:9, 15:17, 15:20, 16:2, 16:6, 16:11, 16:16, 17:18, 18:1, 19:3, 19:13, 19:19, 19:24, 20:5, 20:14, 20:16, 20:21, 21:1, 21:16, 21:19, 21:24, 22:5, 22:8, 22:15, 22:18, 22:21, 23:5, 45:16, 45:20, 47:24, 49:3, 49:8, 49:11, 49:15, 50:22, 51:1, 59:8, 69:20, 70:1, 73:7, 73:12, 78:23, 79:6, 79:8, 79:10, 79:14, 79:19, 80:13, 81:3, 86:10, 87:5, 88:20, 88:24, 89:2, 89:12, 90:11, 91:7, 91:9, 91:11, 91:17, 91:21, 91:25, 92:7, 92:12, 92:15, 92:18, 93:10, 123:23, 124:2, 144:13, 151:4, 154:15, 163:25, 165:17, 170:1, 174:7, 175:17, 177:17, 177:19, 178:1, 178:4, 183:11, 183:23, 184:3, 184:8, 192:12, 196:22, 196:24, 197:1, 197:19, 198:2,</p> | <p>198:7, 198:9, 198:12, 198:19, 198:24, 199:5, 199:9, 199:23, 199:25, 200:14, 208:6, 211:24, 212:3, 214:5, 214:7, 214:9, 214:24, 215:17, 252:4, 264:15, 266:10, 266:14, 268:19, 268:24, 269:3, 269:15, 274:2, 274:10, 276:2, 276:6, 276:20, 276:23, 280:21, 280:25, 281:12, 284:4, 284:8, 284:12, 284:15, 284:17, 285:17, 286:21, 293:10, 297:19, 304:7, 304:14, 304:19, 304:23, 304:25, 305:3, 305:6, 306:10, 307:19, 307:24, 308:13, 308:17, 311:19, 312:1, 312:3, 313:7, 313:9, 324:4, 324:7, 328:13, 328:17, 330:6, 330:12, 330:16, 332:12, 338:14, 338:23, 339:8, 340:5, 340:13, 340:16, 340:24, 341:3, 341:9, 341:13, 341:20, 341:22, 342:1, 342:8, 342:12, 342:15, 342:18, 342:22, 343:4, 343:6, 343:11, 343:14, 344:1, 344:3, 344:21, 344:25, 345:6, 345:15, 345:21, 347:9, 347:10, 347:24</p> <p>court [19] - 53:15, 175:21, 176:4, 176:6, 176:15, 176:22, 177:1, 177:2, 177:5, 177:11, 177:13, 177:14, 177:23, 178:9, 179:13, 192:24, 193:5, 304:11, 304:14</p> <p>Court's [3] - 13:18, 16:19, 17:7</p> <p>court's [2] - 179:8, 345:25</p> <p>courthouse [1] - 23:8</p> <p>courtroom [10] - 11:24, 12:5, 23:10,</p> | <p>23:12, 46:21, 200:9, 216:6, 216:12, 252:2, 284:20</p> <p>COURTROOM [2] - 22:24, 197:18</p> <p>Courvoisier [1] - 26:21</p> <p>cover [2] - 240:13, 250:12</p> <p>coverage [2] - 236:24, 237:2</p> <p>covered [4] - 173:11, 173:14, 329:19, 345:14</p> <p>cracking [1] - 231:23</p> <p>craft [2] - 34:23, 39:23</p> <p>crafted [1] - 186:9</p> <p>cranberry [1] - 236:21</p> <p>CRAVATH [1] - 2:14</p> <p>Crawlers [1] - 219:16</p> <p>crazy [3] - 142:20, 155:16, 188:1</p> <p>cream [3] - 234:5, 234:8, 234:13</p> <p>create [4] - 243:19, 266:24, 316:22, 320:22</p> <p>created [8] - 25:12, 41:15, 164:19, 165:7, 167:12, 183:6, 255:7, 337:15</p> <p>creates [1] - 37:6</p> <p>creating [4] - 159:20, 228:17, 228:22, 337:9</p> <p>creation [1] - 82:25</p> <p>creative [1] - 337:24</p> <p>creators [3] - 251:10, 256:10</p> <p>credibility [5] - 23:17, 38:15, 50:9, 50:11, 50:17</p> <p>credible [2] - 82:21, 82:23</p> <p>crescent [2] - 320:6, 320:8</p> <p>crest [1] - 320:4</p> <p>crisp [1] - 242:7</p> <p>criteria [1] - 107:19</p> <p>critical [4] - 176:8, 178:10, 179:8, 234:21</p> <p>criticism [5] - 175:18, 175:19, 176:1, 177:2, 179:11</p> <p>criticisms [1] - 193:3</p> <p>criticized [8] - 113:22, 175:15, 175:23, 176:4, 176:11, 176:14,</p> | <p>176:25, 192:24</p> <p>critique [1] - 242:12</p> <p>cross [21] - 45:16, 47:25, 144:13, 180:22, 180:24, 184:5, 185:5, 198:21, 199:6, 208:6, 276:2, 276:3, 276:12, 276:15, 296:21, 300:1, 321:25, 341:19, 341:20, 342:6, 343:11</p> <p>CROSS [6] - 3:3, 48:1, 144:17, 208:7, 276:24, 331:1</p> <p>CROSS-EXAMINATION [5] - 48:1, 144:17, 208:7, 276:24, 331:1</p> <p>cross-examination [5] - 47:25, 144:13, 199:6, 276:12, 276:15</p> <p>crucial [1] - 58:9</p> <p>crystal [35] - 83:7, 149:14, 185:1, 186:6, 227:19, 228:10, 228:12, 240:24, 281:22, 282:7, 294:24, 295:2, 295:3, 295:6, 295:13, 296:10, 297:11, 298:14, 298:16, 299:14, 300:10, 301:5, 303:3, 303:6, 303:11, 303:14, 303:17, 305:10, 306:2, 306:14, 306:19, 306:25, 323:1, 338:8</p> <p>Crystal [286] - 29:17, 31:2, 31:3, 31:10, 33:20, 33:23, 34:1, 34:4, 38:2, 38:11, 39:5, 39:8, 39:11, 40:16, 40:21, 41:21, 42:7, 42:21, 43:2, 43:5, 44:2, 44:4, 44:7, 44:15, 44:18, 45:3, 45:8, 48:8, 48:22, 51:18, 51:20, 52:23, 52:24, 64:11, 65:23, 66:1, 66:5, 66:10, 66:19, 72:23, 73:1, 73:24, 74:1, 74:5, 74:7, 74:14, 74:24, 75:1, 75:7, 81:23, 82:1, 83:6, 83:10, 83:23, 85:17, 85:20, 86:18, 86:21, 87:13, 87:14, 87:18, 87:20,</p> |
|--|---|---|---|--|

| | | | | |
|--|--|---|--|--|
| 87:21, 89:21, 98:12, 104:17, 104:19, 105:20, 108:18, 108:21, 108:24, 109:1, 109:4, 109:12, 109:24, 110:3, 115:18, 116:19, 116:21, 119:6, 119:8, 121:11, 122:4, 124:14, 127:19, 127:21, 129:20, 130:14, 130:16, 130:24, 131:10, 132:2, 132:3, 132:16, 132:19, 132:22, 134:7, 134:15, 134:20, 134:22, 134:23, 135:1, 135:8, 135:12, 135:16, 135:19, 135:20, 135:22, 136:1, 136:5, 136:8, 137:18, 138:1, 138:4, 138:19, 139:10, 139:24, 143:24, 146:3, 146:6, 146:10, 147:6, 147:15, 149:9, 149:23, 151:12, 151:23, 152:5, 152:13, 160:9, 160:10, 165:8, 168:23, 169:9, 169:14, 169:18, 171:25, 172:5, 173:19, 173:25, 174:3, 174:5, 174:10, 174:12, 174:13, 174:20, 180:23, 181:8, 181:15, 182:11, 182:24, 183:18, 183:20, 183:22, 184:11, 184:14, 184:19, 184:25, 185:8, 185:14, 185:21, 185:24, 188:20, 189:15, 189:17, 189:20, 193:13, 194:4, 204:8, 204:9, 204:12, 204:20, 205:2, 205:7, 205:12, 205:17, 205:19, 206:1, 206:25, 207:4, 207:7, 207:15, 208:1, 208:23, 209:12, 209:25, 210:7, 228:8, 229:25, 235:1, 236:8, 237:22, 241:7, 241:19, 243:6, 244:3, 255:5, 255:12, 255:21, 257:8, 257:9, | 257:20, 269:25, 273:4, 282:6, 282:12, 287:1, 288:20, 289:13, 290:20, 290:24, 291:8, 291:11, 291:17, 292:1, 293:15, 293:23, 294:9, 294:15, 294:20, 294:23, 295:1, 296:16, 299:14, 299:17, 299:18, 300:21, 301:8, 301:11, 301:15, 301:24, 302:18, 302:21, 303:7, 303:10, 303:13, 303:23, 305:16, 305:19, 307:7, 308:2, 308:20, 309:9, 312:15, 312:24, 313:12, 313:19, 313:22, 314:9, 314:16, 314:20, 315:13, 315:19, 315:23, 316:8, 316:21, 317:20, 317:22, 317:25, 318:5, 318:25, 319:7, 319:14, 319:21, 319:25, 320:15, 322:5, 322:8, 322:13, 322:16, 322:22, 323:24, 324:17, 324:19, 326:2, 329:18, 332:7, 338:2 crystals [1] - 323:4 CSR [2] - 1:23, 347:23 Cuervo [13] - 33:2, 43:23, 43:24, 72:4, 72:7, 88:18, 112:23, 115:1, 120:15, 129:13, 163:3, 167:3, 168:5 curiosity [1] - 220:13 curious [1] - 5:19 current [1] - 201:12 cursive [2] - 100:14, 102:12 customer [4] - 171:14, 308:6, 308:11, 308:15 customers [10] - 94:3, 94:7, 94:13, 181:1, 184:12, 201:23, 202:2, 202:5, 202:9, 209:10 cut [4] - 230:25, 231:2, 231:4, 231:13 | Cutty [1] - 26:22 CV [2] - 1:13, 4:6 D D.C [1] - 224:24 dad's [1] - 217:5 Dallas [1] - 238:4 Dan [10] - 10:5, 38:10, 81:23, 184:19, 184:24, 185:23, 214:14, 215:4, 226:11 Daniel [3] - 3:5, 214:22, 215:5 DANIEL [1] - 214:16 Daniels [10] - 43:20, 189:25, 291:9, 291:11, 292:8, 292:20, 332:22, 332:23, 332:25 Danny [2] - 215:4, 243:1 data [15] - 56:10, 78:9, 107:19, 113:19, 125:11, 140:7, 140:8, 140:15, 141:7, 141:21, 157:8, 174:5, 195:16, 292:13, 334:8 database [8] - 108:6, 137:15, 140:17, 140:18, 155:17, 155:18, 157:6, 157:15 DATE [1] - 347:20 date [9] - 49:3, 49:25, 50:1, 75:12, 79:15, 113:20, 263:24, 277:5, 324:2 dated [2] - 49:1, 173:12 daughters [2] - 216:11, 216:12 Davey [3] - 248:10, 248:16 DAVID [1] - 2:4 David [3] - 245:22, 248:6, 259:22 DAY [1] - 1:19 day's [1] - 244:14 day-to-day [1] - 77:23 days [2] - 277:14, 278:22 DBA [4] - 95:20, 95:23, 96:7 de [3] - 189:8, 320:12, 320:13 dead [1] - 186:9 Dead [10] - 83:4, 181:24, 185:9, | 185:10, 303:20, 303:24, 305:11, 305:15, 305:22, 338:7 deal [5] - 174:11, 174:14, 174:15, 174:16, 245:11 dealing [1] - 180:15 dean's [1] - 96:8 death [3] - 181:25, 241:2, 296:18 deceased [1] - 231:9 decide [5] - 13:7, 13:20, 13:23, 21:10, 205:17 decided [3] - 41:13, 232:23, 257:25 deciding [3] - 47:7, 50:9, 230:14 decision [7] - 87:14, 87:16, 87:18, 177:11, 177:13, 179:8, 210:8 decisions [1] - 64:22 declaration [10] - 212:2, 212:6, 212:13, 212:18, 213:5, 213:7, 280:13, 280:15, 281:8, 281:11 declarations [4] - 55:10, 55:12, 73:14 declare [1] - 212:8 decline [11] - 74:1, 74:8, 75:24, 76:1, 76:5, 76:7, 76:15, 76:19, 77:6, 80:17, 81:6 declined [2] - 76:23, 80:10 decoration [1] - 318:5 decorations [1] - 318:9 deem [1] - 16:2 deemed [2] - 16:1, 16:3 deep [2] - 232:22, 315:19 deepen [1] - 224:5 defendant [2] - 9:11, 91:23 DEFENDANT [1] - 2:13 defendant's [2] - 179:5, 345:12 Defendants [1] - 78:18 DEFENDANTS [1] - 1:17 defendants [6] - 6:22, 15:24, 19:25, 92:21, 276:9, 345:9 | defendants' [1] - 17:19 defense [12] - 8:3, 22:10, 22:12, 91:9, 198:7, 199:5, 199:23, 214:7, 340:6, 340:16, 341:5, 344:22 define [2] - 31:12, 66:12 defined [1] - 327:6 definitely [2] - 300:13, 344:14 definition [2] - 65:19, 66:25 definitions [2] - 64:7, 66:24 degree [8] - 32:2, 76:1, 76:2, 95:17, 95:19, 95:22, 95:23, 218:16 DeJoria [3] - 226:1, 226:3, 226:5 delay [1] - 16:9 deliberate [1] - 285:2 deliberating [1] - 18:19 delivered [2] - 246:2, 297:14 demand [2] - 243:10, 247:5 demographic [5] - 290:23, 292:13, 292:14, 334:5, 334:10 demographics [1] - 31:21 demonstrate [1] - 120:23 demonstrated [1] - 146:2 demonstrating [1] - 194:24 demonstration [1] - 313:25 demonstrative [2] - 173:2, 344:15 Denning [1] - 4:22 DENNING [1] - 2:16 dentist [1] - 295:10 denying [3] - 326:13, 326:15, 326:17 department [1] - 28:13 Department [4] - 95:5, 175:8, 219:8, 219:14 dependent [1] - 67:11 dependents [1] - 258:2 depicted [2] - |
|--|--|---|--|--|

| | | | | |
|--|---|--|--|--|
| <p>265:11, 279:8 depo [1] - 341:17 deposed [2] - 176:21, 312:11 deposition [38] - 5:9, 5:11, 5:12, 5:20, 5:24, 6:3, 7:12, 7:17, 8:20, 9:14, 49:1, 49:3, 49:17, 49:19, 49:20, 49:21, 49:25, 50:3, 50:6, 50:23, 51:4, 72:19, 304:6, 304:20, 306:7, 307:17, 311:12, 311:17, 313:3, 339:11, 340:18, 342:13, 342:23, 342:25, 343:16, 343:21, 343:22, 345:11 deputy [1] - 252:1 describe [6] - 41:9, 108:15, 130:18, 217:21, 264:19, 322:5 described [12] - 34:3, 35:8, 127:10, 128:20, 131:5, 152:3, 208:25, 209:1, 209:10, 225:10, 281:21, 282:15 describes [1] - 318:22 description [3] - 18:16, 18:17, 181:21 deserves [1] - 46:8 design [36] - 43:1, 96:1, 112:19, 112:21, 112:25, 121:14, 121:17, 122:8, 125:22, 128:24, 138:21, 161:19, 186:6, 231:7, 231:10, 231:11, 282:2, 305:16, 305:19, 305:21, 315:25, 316:3, 318:6, 327:6, 328:8, 329:2, 329:3, 329:14, 329:24, 331:7, 337:6, 337:24, 338:5 designated [6] - 5:12, 51:2, 79:7, 96:8, 106:14, 304:21 designations [5] - 7:6, 339:11, 339:23, 340:3, 340:6 designed [5] - 129:24, 155:6, 165:5, 186:7, 186:8 designing [1] - 164:4 designs [3] - 122:10,</p> | <p>132:19, 231:6 desire [2] - 251:22, 340:2 desist [4] - 258:8, 261:24, 277:3, 277:6 despite [1] - 70:15 detail [1] - 282:16 detailed [1] - 229:2 details [1] - 280:7 determine [3] - 86:3, 130:17, 231:17 determined [1] - 243:7 determining [2] - 50:11, 170:17 develop [2] - 28:1, 94:7 developing [2] - 27:17, 112:2 development [2] - 38:14, 41:6 developments [1] - 31:24 deviant [1] - 221:1 device [2] - 296:2, 299:12 devices [2] - 228:12 devil [1] - 318:12 devoted [2] - 244:2, 334:20 Dewar's [1] - 28:4 diablito [1] - 318:12 Diageo [8] - 43:21, 84:7, 84:9, 115:4, 115:5, 142:11, 188:8 diameter [1] - 269:12 diamond [3] - 323:7, 323:9, 323:10 diamonds [6] - 322:20, 322:21, 322:23, 322:25, 323:13, 323:21 Dias [2] - 242:1, 242:6 Diddy's [2] - 82:8, 82:11 Diego [1] - 240:15 DIEGO [1] - 2:20 differ [1] - 65:12 differed [1] - 110:24 difference [10] - 69:1, 112:7, 128:19, 129:21, 312:21, 316:18, 316:20, 335:4, 337:2, 337:4 differences [15] - 209:24, 213:18, 268:5, 307:7, 307:10, 307:12, 307:14, 308:1, 308:8, 308:19,</p> | <p>309:1, 309:5, 309:8, 337:12, 337:13 different [77] - 5:20, 21:22, 23:8, 33:13, 43:17, 50:14, 59:23, 60:8, 60:16, 60:19, 60:21, 61:1, 61:3, 61:10, 61:25, 64:7, 65:10, 65:15, 65:20, 65:21, 66:17, 84:19, 84:20, 89:7, 89:15, 100:1, 101:1, 101:16, 102:19, 110:12, 110:15, 110:20, 111:2, 112:13, 113:2, 115:8, 121:14, 123:13, 125:22, 127:23, 128:2, 128:5, 128:10, 128:11, 128:12, 128:14, 133:23, 142:5, 142:6, 142:13, 147:25, 166:10, 166:15, 166:18, 167:17, 168:4, 170:9, 170:18, 171:7, 171:11, 186:20, 192:21, 193:6, 193:7, 202:9, 207:1, 234:2, 264:16, 276:11, 308:4, 308:22, 319:22, 329:18, 331:6, 340:1 differentiate [15] - 37:24, 59:19, 59:22, 60:2, 60:11, 60:18, 60:22, 60:25, 61:6, 61:14, 61:15, 84:25, 87:2, 322:8, 322:16 differentiated [6] - 33:12, 34:13, 37:5, 57:17, 61:23, 89:25 differentiating [1] - 322:12 differentiation [7] - 33:13, 33:15, 34:7, 35:7, 38:9, 59:17, 85:3 differently [4] - 66:18, 101:15, 125:21, 340:8 differs [1] - 100:4 difficult [1] - 69:14 digital [1] - 26:17 dimension [1] - 270:2 dimensions [4] - 254:18, 268:8, 271:21, 286:7 dining [1] - 259:2 dinner [2] - 225:13,</p> | <p>225:17 DIRECT [5] - 3:3, 24:9, 93:12, 201:3, 214:25 direct [19] - 10:8, 55:19, 59:14, 67:19, 149:1, 159:14, 173:3, 175:1, 187:7, 198:20, 249:5, 278:2, 278:12, 281:4, 310:19, 327:2, 342:5, 343:7, 343:9 directed [2] - 26:12, 180:1 direction [1] - 33:1 directly [3] - 41:16, 69:2, 179:16 director [6] - 26:9, 28:14, 29:16, 45:8, 52:13, 289:25 Directors [2] - 220:11, 249:2 disagree [2] - 159:25, 274:8 disagreed [3] - 175:22, 176:6, 176:15 disclaim [2] - 336:21, 336:24 disclaimed [1] - 283:19 disclosed [1] - 7:1 discount [2] - 246:25, 248:2 discover [1] - 339:1 discuss [8] - 16:13, 21:3, 30:8, 30:10, 43:8, 344:6, 344:10, 345:16 discussed [7] - 5:5, 5:8, 122:18, 144:9, 225:11, 322:9, 344:4 discusses [1] - 303:14 discussing [5] - 17:16, 36:9, 42:22, 113:22, 344:8 discussion [4] - 5:24, 14:2, 249:24, 258:11 disloyal [2] - 227:2, 227:8 display [5] - 109:4, 109:7, 109:8, 109:9 dispute [2] - 7:2, 7:3 disregard [2] - 47:5, 47:21 disregarded [1] - 155:9 disrupt [1] - 6:20 dissertation [1] - 96:4</p> | <p>dissimilarities [4] - 256:22, 272:23, 286:15, 337:21 distillation [3] - 232:16, 233:17, 234:19 distillations [1] - 234:2 distilled [6] - 25:10, 31:17, 43:10, 189:24, 234:14, 320:18 distiller [1] - 228:23 distilleries [1] - 39:24 Distillery [1] - 233:2 distillery [2] - 233:10, 323:5 distinction [1] - 317:14 distinctive [9] - 37:18, 37:19, 37:24, 38:7, 39:6, 67:1, 88:11, 316:1, 316:2 distinguish [1] - 34:6 distinguishing [1] - 35:4 distributed [1] - 235:8 distribution [8] - 42:3, 42:8, 42:13, 42:14, 105:12, 235:12, 248:3, 248:25 distributions [1] - 249:8 distributor [17] - 41:17, 41:18, 41:25, 42:2, 42:3, 42:6, 44:23, 52:23, 90:2, 90:5, 90:8, 90:9, 90:13, 90:15, 90:21, 209:9 Distributors [4] - 201:14, 201:15, 201:18, 201:21 distributors [4] - 38:18, 41:22, 236:3, 259:3 DISTRICT [5] - 1:2, 1:3, 1:8, 347:10, 347:11 divert [1] - 259:10 DIVISION [1] - 1:4 division [1] - 140:12 Dixon [2] - 216:4, 216:5 DO [1] - 347:11 dock [2] - 226:8, 226:12 doctor [1] - 95:21 doctoral [1] - 96:8</p> |
|--|---|--|--|--|

| | | | | |
|---|--|--|--|---|
| <p>document [6] - 212:7, 279:20, 284:20, 291:6, 292:12, 336:23</p> <p>documents [8] - 13:1, 30:19, 56:2, 56:7, 73:4, 73:25, 136:16, 136:18</p> <p>Dokey [7] - 177:21, 178:7, 192:16, 192:21, 192:23, 193:4, 193:7</p> <p>dollar [3] - 64:3, 64:5, 245:12</p> <p>dollars [3] - 28:17, 152:10, 245:5</p> <p>domestic [2] - 25:16, 76:14</p> <p>dominate [1] - 32:12</p> <p>Don [12] - 84:13, 84:15, 85:7, 110:10, 114:7, 115:3, 115:4, 142:12, 142:13, 159:11, 188:6, 188:7</p> <p>Donald [1] - 220:15</p> <p>done [42] - 5:18, 9:1, 9:4, 14:12, 18:11, 36:1, 54:3, 68:12, 85:24, 86:2, 87:12, 95:1, 95:3, 105:22, 105:23, 106:17, 106:20, 108:6, 119:11, 136:22, 175:6, 186:10, 192:2, 192:3, 192:15, 223:4, 229:6, 235:11, 244:10, 247:15, 249:8, 275:14, 286:5, 302:7, 302:9, 302:11, 323:7, 323:8, 325:23</p> <p>Donna [4] - 216:4, 216:5, 216:8, 216:10</p> <p>door [1] - 169:8</p> <p>dotted [1] - 279:5</p> <p>double [2] - 322:25, 323:4</p> <p>double-ended [1] - 323:4</p> <p>double-sided [1] - 322:25</p> <p>doubt [4] - 43:4, 58:19, 248:22, 301:7</p> <p>down [32] - 10:7, 84:6, 105:24, 114:11, 148:5, 180:4, 182:5, 185:7, 186:15, 187:9, 205:23, 205:24, 226:12, 227:22, 238:23, 240:10, 240:11, 240:15,</p> | <p>248:5, 248:7, 252:18, 259:21, 263:14, 263:25, 270:3, 275:23, 285:10, 297:10, 336:18, 338:14</p> <p>dozen [1] - 176:2</p> <p>dozens [2] - 146:24, 148:20</p> <p>Dr [25] - 91:20, 92:17, 93:14, 93:16, 93:17, 95:15, 97:21, 100:3, 111:3, 120:21, 121:19, 122:17, 124:6, 132:7, 136:15, 142:24, 143:20, 144:19, 144:23, 150:19, 164:10, 192:15, 194:21, 196:8, 196:21</p> <p>dramatic [2] - 76:7, 76:13</p> <p>Drambuie [1] - 26:23</p> <p>drank [3] - 67:21, 238:25, 334:6</p> <p>draw [5] - 22:7, 227:12, 257:22, 266:4, 267:13</p> <p>drawing [6] - 228:25, 265:5, 265:11, 282:4, 316:4, 316:6</p> <p>drawings [2] - 229:2, 316:5</p> <p>dreamed [1] - 236:18</p> <p>dress [29] - 88:17, 239:8, 256:17, 258:1, 260:12, 262:3, 262:16, 262:17, 264:8, 326:23, 327:7, 327:21, 328:7, 329:5, 329:10, 329:15, 329:19, 329:25, 335:5, 335:8, 335:9, 335:10, 335:12, 335:22, 335:25, 336:2, 336:4, 336:6, 336:8</p> <p>drew [2] - 265:22, 282:2</p> <p>drink [28] - 33:2, 33:8, 36:8, 36:12, 62:21, 63:1, 70:21, 71:16, 90:25, 105:11, 135:4, 140:23, 140:24, 141:1, 141:2, 141:3, 141:4, 141:5, 141:11, 141:12, 171:5, 236:20, 293:15, 294:9, 294:11, 334:17</p> | <p>drinker [11] - 32:16, 32:17, 33:1, 36:14, 67:20, 71:23, 72:3, 141:14, 141:15</p> <p>drinkers [4] - 36:8, 36:15, 36:16, 137:11</p> <p>drinking [2] - 228:9, 299:11</p> <p>drinks [5] - 32:5, 141:18, 291:18, 292:20, 333:13</p> <p>drive [1] - 219:16</p> <p>driven [1] - 43:5</p> <p>driver [2] - 203:21, 219:20</p> <p>driving [2] - 34:25, 219:18</p> <p>DROOKS [1] - 2:10</p> <p>drop [1] - 140:17</p> <p>dropped [1] - 261:10</p> <p>drunk [2] - 32:5, 66:19</p> <p>dry [1] - 242:7</p> <p>dubloon [3] - 320:22, 321:13</p> <p>dubloons [2] - 321:4, 321:8</p> <p>Duck [1] - 220:15</p> <p>due [3] - 113:6, 119:16, 120:6</p> <p>duly [4] - 24:2, 93:3, 200:21, 214:18</p> <p>Dunn [1] - 220:15</p> <p>during [18] - 7:18, 9:14, 14:14, 96:5, 96:11, 106:25, 132:12, 174:9, 175:13, 243:24, 244:10, 247:19, 265:20, 276:12, 285:3, 305:19, 315:25, 316:3</p> <p>duty [1] - 62:24</p> <p>dynamism [1] - 224:11</p> | <p>EAST [1] - 2:11</p> <p>East [9] - 201:18, 201:20, 201:21, 202:10, 202:15, 203:1, 203:5, 203:16, 205:6</p> <p>easy [1] - 233:17</p> <p>eat [1] - 197:15</p> <p>editorial [3] - 97:9, 97:11, 97:16</p> <p>edits [1] - 212:24</p> <p>education [8] - 46:4, 46:9, 95:15, 96:6, 96:22, 217:23, 246:19, 301:17</p> <p>educational [1] - 217:11</p> <p>Educational [1] - 218:6</p> <p>Edward [1] - 214:22</p> <p>Edwardian [1] - 295:11</p> <p>effect [3] - 73:1, 112:9, 330:25</p> <p>Effen [1] - 142:5</p> <p>efficient [1] - 44:25</p> <p>effort [4] - 37:23, 42:6, 57:18, 274:22</p> <p>efforts [3] - 82:2, 232:15, 331:21</p> <p>egregious [1] - 255:16</p> <p>eight [8] - 55:7, 244:23, 295:17, 296:10, 296:12, 321:8, 321:16, 321:25</p> <p>EIGHTH [1] - 2:16</p> <p>either [27] - 11:22, 15:16, 19:2, 37:8, 50:7, 57:17, 90:25, 103:17, 114:9, 118:13, 120:11, 130:7, 135:9, 135:24, 138:18, 140:1, 154:4, 154:20, 164:20, 164:25, 165:15, 165:23, 166:4, 170:25, 179:16, 212:8, 344:23</p> <p>el [1] - 318:11</p> <p>elaborate [1] - 318:9</p> <p>elaborated [1] - 55:19</p> <p>elderberry [1] - 236:21</p> <p>elderly [1] - 217:5</p> <p>eldest [1] - 216:18</p> <p>electronic [3] - 224:14, 237:11, 237:13</p> | <p>element [5] - 112:11, 112:24, 196:17, 250:8, 250:12</p> <p>elementary [2] - 217:11, 218:3</p> <p>Elementary [1] - 217:13</p> <p>Elements [13] - 4:7, 4:21, 12:14, 13:11, 48:4, 144:22, 254:12, 258:6, 273:8, 274:5, 276:10, 277:4, 277:14</p> <p>elements [11] - 62:12, 85:2, 107:24, 112:15, 112:21, 112:25, 161:24, 167:4, 195:1, 195:13, 228:15</p> <p>ELEMENTS [1] - 1:15</p> <p>eliminate [2] - 284:1, 329:1</p> <p>eliminating [1] - 269:7</p> <p>embossed [1] - 328:9</p> <p>embraced [1] - 334:21</p> <p>emergence [4] - 32:9, 32:18, 34:23, 37:16</p> <p>emotion [1] - 275:11</p> <p>emotional [2] - 274:19, 310:22</p> <p>employed [4] - 81:16, 93:17, 93:19, 139:6</p> <p>employees [1] - 249:12</p> <p>employment [3] - 26:2, 218:21, 219:12</p> <p>employs [2] - 81:18, 81:19</p> <p>enables [1] - 109:2</p> <p>enabling [1] - 252:25</p> <p>enabling [1] - 234:14</p> <p>encounter [4] - 101:4, 102:22, 103:4, 108:21</p> <p>encounters [3] - 108:19, 169:18, 193:12</p> <p>end [24] - 11:7, 14:10, 14:12, 14:16, 14:23, 14:24, 15:11, 15:14, 46:13, 48:7, 62:1, 62:24, 64:21, 68:21, 70:8, 119:10, 124:1, 143:9, 143:19, 186:5, 195:24, 196:5,</p> |
| E | | | | |
| <p>e-mail [2] - 344:18</p> <p>early [8] - 7:19, 12:8, 42:11, 92:1, 143:9, 280:6, 331:5, 339:12</p> <p>earned [1] - 247:8</p> <p>earth [3] - 296:11, 297:12, 298:6</p> <p>easier [4] - 100:7, 135:13, 135:14, 251:17</p> <p>easily [1] - 188:4</p> | | | | |

| | | | | |
|--|--|--|---|---|
| <p>196:12, 212:9 ended [6] - 143:11, 156:1, 195:24, 238:4, 238:5, 323:4 ending [1] - 237:13 endorsement [1] - 82:12 endorsements [1] - 82:15 endurance [1] - 241:2 energy [4] - 241:3, 296:3, 298:5, 298:17 engineer [2] - 95:16, 298:7 engineering [2] - 95:17, 229:6 engineers [1] - 297:2 English [1] - 217:19 enhance [1] - 259:5 enjoy [5] - 32:21, 72:3, 239:3, 239:11, 334:19 enjoyable [1] - 217:9 enjoying [1] - 239:9 enlightened [1] - 228:9 enlightenment [1] - 299:12 enter [1] - 25:4 entered [3] - 12:4, 39:9, 305:16 entering [1] - 41:7 ENTERS [1] - 22:24 entertainment [1] - 220:20 enthusiasts [1] - 334:18 entire [4] - 27:15, 28:2, 172:15, 236:6 entirely [7] - 7:10, 65:24, 129:16, 172:18, 309:22, 309:24, 316:25 entities [1] - 95:7 ENTITLED [1] - 347:15 entity [2] - 276:13, 325:6 entrepreneur [1] - 226:5 entrepreneurist [2] - 326:18, 326:20 entries [1] - 181:11 entry [1] - 85:16 environment [4] - 70:12, 159:20, 160:4, 194:6 equal [1] - 290:10 equally [2] - 312:17,</p> | <p>312:18 equipment [1] - 12:2 Escarcega [5] - 7:1, 7:4, 7:9, 7:11, 342:14 Escarcega's [1] - 7:12 ESQUIRE [7] - 2:4, 2:8, 2:11, 2:14, 2:15, 2:16, 2:18 essentially [4] - 59:14, 204:4, 227:16, 332:24 established [1] - 262:17 establishments [1] - 30:25 Estates [1] - 185:23 esteemed [1] - 339:18 estimate [14] - 17:19, 22:2, 22:9, 22:12, 97:2, 198:2, 198:4, 198:14, 198:20, 237:20, 245:1, 259:14, 326:3, 343:6 estimation [1] - 88:2 et [1] - 4:7 ethnic [2] - 292:9, 292:17 ethnicities [1] - 292:18 ethyl [1] - 234:11 Eugene [1] - 222:5 eureka [1] - 326:14 evaluate [1] - 94:21 evangelist [1] - 38:16 evening [3] - 5:15, 7:18, 339:12 event [1] - 213:12 events [1] - 302:11 eventually [5] - 58:22, 230:8, 234:11, 253:5, 255:6 Eveready [47] - 99:14, 99:17, 100:4, 100:6, 100:8, 100:23, 101:20, 102:16, 122:18, 122:20, 123:2, 123:5, 124:17, 125:1, 125:4, 125:16, 127:15, 128:17, 128:18, 128:24, 129:4, 129:10, 129:16, 129:22, 130:9, 130:11, 135:14, 135:15, 136:7, 138:21, 142:25, 143:10, 143:17, 144:24,</p> | <p>145:6, 148:6, 148:12, 149:2, 153:8, 153:21, 176:7, 176:16, 191:3, 191:22, 191:23 evidence [24] - 18:7, 46:10, 46:15, 46:16, 46:17, 46:19, 47:4, 47:6, 47:8, 47:22, 79:11, 183:5, 280:22, 284:9, 284:11, 284:21, 284:25, 285:3, 285:18, 297:25, 310:5, 331:24, 339:2, 339:3 evoke [3] - 306:1, 306:12, 321:24 evolution [2] - 37:1, 37:10 evolved [3] - 315:25, 316:3, 316:5 ex [2] - 111:3, 245:23 ex-postee [1] - 245:23 exact [22] - 34:20, 146:25, 150:12, 152:17, 154:3, 178:13, 178:18, 178:21, 179:2, 254:17, 254:18, 254:19, 254:20, 268:9, 270:8, 270:9, 270:10, 271:25, 286:8, 286:20, 336:15 exactly [22] - 106:22, 147:2, 147:19, 148:21, 186:11, 192:17, 192:19, 201:21, 202:5, 206:20, 215:15, 227:20, 242:13, 268:9, 268:13, 268:16, 270:2, 270:13, 271:22, 287:22, 289:4, 317:5 EXAMINATION [13] - 24:9, 48:1, 86:12, 93:12, 144:17, 192:13, 201:3, 208:7, 212:15, 214:25, 276:24, 331:1, 332:13 examination [10] - 47:12, 47:25, 144:13, 198:17, 199:6, 199:10, 199:11, 276:12, 276:15, 330:21 examine [2] - 124:23, 281:9 examined [4] - 24:2, 93:4, 200:21, 214:18</p> | <p>example [26] - 32:1, 40:3, 59:17, 60:5, 63:9, 67:15, 72:5, 94:15, 95:3, 96:21, 101:2, 101:9, 101:23, 101:25, 102:7, 103:12, 104:7, 107:19, 112:1, 136:2, 139:10, 170:11, 185:14, 194:22, 207:21, 285:4 examples [4] - 39:18, 39:20, 84:5, 88:7 excellent [1] - 255:24 Excellent [1] - 241:25 except [4] - 109:17, 195:5, 300:2, 317:4 excess [1] - 28:16 exchange [1] - 106:8 excited [2] - 225:14, 225:25 exciting [1] - 226:19 excluded [3] - 13:15, 179:4, 179:11 exclusive [1] - 329:16 exclusivity [1] - 329:16 excuse [16] - 9:17, 35:19, 59:21, 80:13, 88:20, 111:3, 163:25, 182:14, 248:24, 270:6, 274:2, 286:19, 324:1, 328:13, 330:6, 330:8 EXCUSED [1] - 338:22 excused [12] - 17:15, 22:21, 91:7, 91:13, 92:3, 196:22, 197:2, 197:20, 214:5, 214:9, 338:19, 340:11 executed [1] - 101:15 executive [1] - 230:19 executives [2] - 74:6, 333:8 exercise [2] - 290:12, 290:16 Exhibit [16] - 15:22, 16:3, 78:18, 182:13, 183:12, 184:11, 250:3, 262:6, 265:12, 277:21, 277:22, 280:20, 284:3, 291:4, 310:3, 332:16</p> | <p>exhibit [14] - 46:17, 46:23, 46:25, 78:24, 79:7, 123:23, 156:11, 173:1, 180:12, 182:6, 182:15, 280:21, 284:7, 284:19 EXHIBIT [1] - 16:4 exhibits [12] - 15:23, 18:9, 18:13, 18:15, 18:18, 18:20, 18:24, 92:20, 92:22, 339:1, 344:11 exist [6] - 26:18, 139:8, 139:21, 160:22, 335:7, 335:10 existed [1] - 296:5 existence [1] - 202:11 existing [1] - 339:7 exists [1] - 77:18 EXIT [1] - 197:18 expand [1] - 207:24 expanded [1] - 33:7 expansion [1] - 208:2 expect [9] - 7:11, 7:18, 18:5, 22:12, 128:2, 135:5, 136:11, 184:4, 195:7 expectation [1] - 338:24 expected [1] - 135:17 expecting [2] - 104:17, 232:12 expedient [2] - 191:13, 191:15 expensive [6] - 32:11, 229:6, 253:5, 272:16, 272:17, 272:19 Experian [1] - 140:13 experience [20] - 40:8, 46:4, 46:9, 54:2, 56:24, 61:9, 70:25, 71:3, 71:8, 71:9, 86:1, 103:16, 139:9, 159:7, 168:19, 171:6, 172:25, 260:22, 294:14, 334:9 experienced [1] - 21:10 experiences [2] - 103:17, 168:24 expert [33] - 29:5, 29:7, 29:14, 29:19, 29:20, 30:17, 31:6, 31:11, 35:11, 35:22, 41:5, 53:14, 53:15, 53:25, 54:20, 54:23,</p> |
|--|--|--|---|---|

| | | | | |
|--|---|--|--|--|
| 55:1, 55:10, 62:3, 62:22, 88:16, 97:22, 113:21, 114:3, 120:16, 120:21, 129:12, 136:14, 143:22, 163:9, 167:23, 172:8, 176:23 expertise [1] - 56:21 experts [3] - 11:12, 30:18, 163:14 explain [24] - 27:8, 27:25, 49:20, 99:15, 99:25, 100:3, 100:7, 111:4, 116:23, 117:13, 117:25, 119:14, 119:22, 123:4, 126:6, 126:14, 128:19, 129:21, 154:13, 154:14, 207:19, 212:1, 234:8, 235:2 explained [2] - 164:14, 206:4 explanation [3] - 117:7, 212:4, 212:12 explode [1] - 236:4 exploded [1] - 242:20 explore [1] - 64:25 explored [1] - 30:21 exploring [1] - 25:15 expose [1] - 236:4 exposed [1] - 259:7 exposure [4] - 237:14, 239:1, 292:9, 292:17 expressed [2] - 197:5, 233:18 expressly [1] - 192:6 extends [1] - 103:6 extension [17] - 51:18, 86:20, 87:3, 87:9, 207:2, 207:15, 207:16, 207:18, 207:20, 208:1, 210:25, 211:21, 255:2, 255:5, 255:12, 272:8, 329:7 extensions [1] - 57:9 extensive [1] - 237:1 extent [4] - 13:12, 17:3, 63:18, 275:20 Extra [1] - 210:23 eye [7] - 270:11, 270:12, 270:14, 270:21, 270:22, 270:24, 315:5 | F Fabrica [1] - 189:8 face [3] - 301:7, 301:8, 329:9 face-shaped [1] - 329:9 facet [2] - 266:23, 336:13 facets [4] - 265:6, 265:10, 266:25 facilities [1] - 105:6 facility [1] - 233:8 facing [1] - 124:11 fact [59] - 9:13, 18:10, 36:7, 43:16, 50:11, 52:5, 53:7, 53:18, 59:1, 61:13, 62:19, 65:17, 66:1, 67:20, 70:12, 71:5, 71:9, 72:11, 72:15, 73:23, 76:22, 81:16, 82:5, 126:23, 130:17, 146:16, 148:20, 149:16, 150:2, 154:23, 155:5, 160:24, 164:18, 164:23, 165:12, 169:12, 172:11, 188:18, 195:12, 196:18, 236:14, 247:21, 275:19, 277:17, 277:20, 294:4, 295:1, 295:8, 302:13, 303:1, 307:10, 309:9, 310:15, 318:8, 327:7, 334:19, 338:6, 338:9, 338:11 factor [2] - 50:16, 180:18 factors [2] - 81:22, 322:12 factory [1] - 331:15 fail [8] - 57:12, 57:15, 57:16, 58:24, 59:3, 61:17, 62:6, 129:16 failed [1] - 331:21 failing [1] - 62:1 failure [1] - 331:24 fair [5] - 20:2, 234:20, 275:15, 299:13, 335:22 familiar [9] - 76:25, 108:20, 110:3, 158:7, 168:24, 208:17, 265:16, 265:19, 291:6 family [7] - 215:24, 217:22, 244:25, | 248:20, 289:19, 320:3 famous [1] - 185:25 fancy [1] - 8:7 fans [1] - 38:25 far [7] - 110:9, 159:9, 183:4, 303:22, 305:7, 305:9, 310:14 farm [1] - 217:1 fascination [1] - 184:25 fashion [3] - 103:18, 135:10, 140:1 fast [1] - 84:6 fatty [1] - 228:3 fault [1] - 164:3 favor [4] - 53:19, 53:20, 244:18, 260:12 favorable [2] - 31:21, 34:3 favorite [1] - 104:10 FAY [38] - 2:8, 15:7, 22:3, 23:2, 23:21, 24:10, 45:13, 50:20, 69:25, 79:5, 79:7, 86:11, 86:13, 87:8, 89:6, 89:13, 90:12, 91:6, 91:8, 91:19, 91:24, 92:16, 92:23, 93:11, 93:13, 105:3, 105:21, 123:21, 123:25, 124:5, 144:11, 175:16, 177:16, 177:24, 178:3, 192:14, 196:21, 196:23 Fay [1] - 23:3 fears [1] - 255:8 feasible [2] - 231:16, 231:17 feature [8] - 250:20, 283:5, 285:16, 285:22, 314:10, 314:12, 315:22, 315:25 features [5] - 122:8, 250:6, 256:19, 305:21, 309:23 February [1] - 225:16 february [1] - 225:17 Federal [2] - 95:4, 175:10 FEDERAL [2] - 1:23, 347:24 federal [2] - 41:12, 176:11 Federation [2] - 220:9, 220:12 fees [2] - 246:15, 247:13 fell [1] - 223:19 | fellow [1] - 96:8 fellowship [1] - 96:9 felt [3] - 70:25, 193:23, 257:16 female [1] - 291:21 ferments [1] - 234:11 few [18] - 45:22, 57:21, 86:14, 95:5, 148:10, 155:1, 155:4, 193:10, 197:12, 218:11, 225:22, 229:12, 230:7, 277:14, 278:22, 296:25, 331:3, 334:18 field [1] - 137:3 fifteen [1] - 198:10 fifth [1] - 43:8 figure [6] - 10:9, 94:12, 94:14, 246:24, 334:24, 341:13 figures [3] - 73:18, 80:7, 247:14 file [1] - 10:18 filed [15] - 15:1, 262:5, 263:2, 263:5, 265:4, 273:2, 273:8, 277:13, 277:17, 277:25, 278:16, 278:23, 280:5, 280:12, 283:18 filing [3] - 10:17, 15:2, 274:12 fill [10] - 11:21, 154:18, 202:3, 250:24, 251:17, 251:18, 251:20, 251:21, 253:3, 253:4 filled [8] - 42:9, 58:7, 58:9, 153:25, 213:1, 253:1, 253:14, 253:15 filler [1] - 253:2 filling [1] - 252:21 film [1] - 222:14 films [1] - 222:13 filtered [2] - 322:17, 322:19 filtering [1] - 322:22 final [11] - 22:8, 27:5, 42:24, 157:6, 157:15, 186:11, 218:5, 233:9, 282:16, 282:21, 316:6 finalized [1] - 331:18 finally [9] - 25:11, 33:10, 97:9, 110:21, 115:3, 125:10, 127:8, 142:11, 231:21 financial [4] - 56:10, 201:13, 202:14, 204:2 financially [1] - 206:9 | fine [15] - 6:9, 9:12, 9:24, 11:7, 13:24, 15:15, 15:16, 20:13, 21:24, 66:13, 199:20, 200:3, 234:22, 269:15, 345:6 finest [1] - 38:20 finger [1] - 266:4 finish [10] - 7:19, 9:20, 9:23, 10:6, 218:12, 218:14, 242:8, 321:11, 323:18, 330:17 finished [2] - 217:24, 223:3 Finos [1] - 189:8 fire [2] - 205:22, 331:10 firing [1] - 231:15 firm [3] - 52:17, 93:21, 97:4 first [102] - 5:7, 6:13, 19:18, 20:21, 21:25, 24:2, 25:1, 31:5, 31:19, 37:12, 38:5, 40:20, 41:24, 41:25, 44:3, 45:2, 51:8, 55:9, 89:21, 90:2, 93:3, 98:4, 99:19, 99:21, 105:2, 107:10, 108:23, 109:14, 115:18, 120:13, 124:9, 129:8, 133:6, 134:9, 147:20, 148:12, 168:23, 169:13, 172:23, 172:24, 180:17, 180:18, 180:19, 181:3, 200:21, 203:19, 206:1, 206:14, 209:12, 209:14, 211:3, 212:23, 214:18, 218:25, 222:16, 225:11, 228:24, 232:3, 232:4, 235:19, 235:20, 238:2, 239:17, 239:19, 240:17, 241:18, 242:17, 243:3, 243:5, 245:19, 245:21, 249:25, 252:19, 254:9, 254:11, 254:14, 255:14, 262:13, 262:14, 262:16, 263:1, 263:8, 263:9, 270:22, 273:23, 274:17, 276:17, 276:18, 293:15, 296:17, |
|--|---|--|--|--|

| | | | | |
|--|--|---|--|--|
| 311:6, 325:6, 327:8, 331:12, 332:15, 335:1, 335:11, 336:8, 338:7, 340:17 First [2] - 262:9, 262:20 fit [1] - 323:22 five [19] - 8:1, 10:19, 30:2, 30:7, 30:14, 40:24, 55:9, 115:8, 138:3, 152:10, 234:3, 287:21, 287:22, 287:24, 295:16, 296:12, 296:13 FIVE [1] - 1:19 fix [4] - 219:17, 253:6, 253:12, 331:13 fixed [1] - 252:24 flagship [1] - 26:21 flat [2] - 314:7, 314:17 flatten [1] - 58:17 flattening [5] - 72:22, 73:25, 74:7, 75:7 flattens [1] - 58:4 flavor [3] - 40:2, 40:4, 40:7 flavored [4] - 67:10, 70:5, 76:3, 207:23 flavorful [1] - 68:4 flavors [2] - 40:2, 89:18 flawed [2] - 178:8, 178:12 fledgling [1] - 174:16 fleet [1] - 321:6 fleur [2] - 320:12, 320:13 fleur-de-lis [2] - 320:12, 320:13 flex [1] - 219:16 flights [1] - 11:2 flip [1] - 181:19 FLOOR [2] - 2:8, 2:12 Florida [5] - 24:18, 230:7, 237:17, 238:12, 239:24 flower [1] - 236:21 fluid [11] - 228:16, 229:10, 239:10, 240:23, 241:12, 241:13, 271:6, 300:9, 300:19, 323:13, 338:4 fly [1] - 237:25 focus [1] - 94:6 focused [2] - 105:13, 122:23 folk [1] - 220:16 folks [1] - 107:1 | follow [16] - 6:14, 40:6, 45:1, 47:22, 58:20, 88:13, 88:16, 126:23, 126:24, 224:2, 256:9, 273:3, 274:25, 283:21, 289:23, 326:15 follow-on [1] - 126:24 follow-up [1] - 45:1 followed [2] - 40:10, 40:15 follower [8] - 39:9, 39:12, 81:10, 81:14, 81:20, 85:16, 88:6, 89:8 followers [1] - 66:11 following [1] - 242:7 follows [6] - 24:3, 46:2, 93:4, 186:4, 200:21, 214:18 food [2] - 257:5, 327:15 football [1] - 104:10 FOR [2] - 347:9, 347:10 forces [1] - 44:22 FOREGOING [1] - 347:13 forehead [2] - 251:6, 252:16 foreign [1] - 258:3 forget [3] - 121:21, 330:21, 330:22 forklift [1] - 203:20 form [12] - 16:14, 16:18, 16:20, 41:8, 43:12, 96:4, 139:15, 163:2, 167:1, 193:7, 325:14, 344:5 Forman [1] - 43:19 format [17] - 99:12, 99:14, 100:22, 101:6, 101:12, 108:17, 123:13, 123:14, 137:13, 137:14, 138:23, 139:22, 192:24, 192:25, 193:25, 194:1 FORMAT [1] - 347:16 formats [4] - 95:11, 99:20, 99:23, 101:15 formatted [1] - 125:21 formed [2] - 52:16, 102:13 former [2] - 29:17, 162:19 formula [1] - 233:14 forth [1] - 171:17 | forward [5] - 92:18, 220:4, 221:13, 340:20, 340:22 forwarded [1] - 331:24 foundation [1] - 266:11 founded [3] - 185:23, 202:12, 221:21 founding [1] - 25:22 four [26] - 11:15, 11:16, 55:9, 55:10, 110:8, 110:12, 110:23, 113:9, 113:18, 113:19, 138:5, 143:15, 143:18, 152:2, 168:9, 170:4, 199:14, 223:4, 234:2, 234:3, 234:14, 234:18, 282:24, 287:9, 287:16, 287:17 four-times [1] - 234:18 fourth [3] - 107:13, 110:21, 295:8 fragrance [3] - 227:25, 233:20, 233:21 franchises [1] - 221:24 Francisco [1] - 241:22 fraternity [1] - 246:1 free [2] - 62:24, 214:9 French [1] - 217:19 frequently [3] - 66:15, 142:21, 240:3 fresh [1] - 14:22 Friday [3] - 7:12, 11:1, 17:22 friends [3] - 223:20, 223:25, 244:20 friendship [1] - 224:5 front [21] - 54:24, 78:21, 124:11, 124:22, 126:1, 131:9, 131:12, 135:23, 136:8, 169:8, 173:13, 250:6, 252:5, 267:23, 268:15, 272:4, 284:3, 287:4, 287:13, 318:17, 319:1 frosted [2] - 37:21, 40:13 frustration [1] - 339:19 FTC [3] - 175:7, 175:8, 175:10 | full [11] - 173:13, 173:17, 219:19, 246:4, 246:21, 249:9, 254:9, 287:25, 301:13, 335:23 fun [2] - 217:9, 239:4 function [3] - 103:10, 103:11, 139:16 fundamental [1] - 107:24 funds [1] - 249:8 funny [1] - 99:15 furnace [1] - 331:19 furnaces [1] - 331:16 fusel [3] - 233:12, 233:19, 234:1 future [2] - 150:6, 150:22 fuzzy [2] - 131:16, 131:23 | 34:9, 63:12, 63:23, 65:11, 328:1 girl [1] - 296:17 girlfriend [1] - 223:16 giveaway [2] - 250:19, 250:23 given [23] - 5:13, 9:13, 14:17, 23:11, 30:1, 46:10, 47:10, 49:18, 50:8, 50:9, 50:13, 50:15, 50:18, 54:19, 88:25, 122:2, 124:11, 124:23, 165:13, 169:4, 187:7, 191:4, 295:25 giver [1] - 217:8 glacial [3] - 232:23, 233:5, 322:14 glass [17] - 59:20, 59:23, 59:24, 59:25, 60:3, 60:9, 86:23, 231:21, 261:3, 261:6, 261:11, 272:15, 283:24, 309:15, 309:20, 310:10 Glass [1] - 230:9 glasses [1] - 248:14 glassmaker [1] - 229:9 GLOBEFILL [1] - 1:11 Globefill [55] - 4:6, 7:4, 23:3, 29:4, 29:15, 31:5, 35:11, 36:19, 41:5, 43:9, 56:3, 56:8, 56:11, 73:4, 74:25, 92:17, 97:22, 136:15, 136:20, 138:16, 147:16, 164:12, 164:21, 164:25, 165:7, 165:15, 165:24, 166:5, 171:25, 172:5, 174:13, 182:11, 187:13, 188:20, 190:1, 211:5, 244:3, 258:15, 260:12, 277:3, 277:13, 277:24, 283:24, 289:18, 290:5, 290:8, 292:5, 292:19, 300:11, 324:21, 325:6, 333:4 Globefill's [3] - 289:20, 290:2, 294:8 glyceride [2] - 228:4, 233:12 goal [5] - 243:4, 243:5, 243:9, 243:11, |
| G | | | | |
| Gallo [2] - 25:8, 68:9 game [1] - 178:20 gap [1] - 78:12 gather [3] - 94:2, 94:4, 140:15 gathered [2] - 140:19, 174:6 Gene [1] - 222:13 general [7] - 65:14, 77:3, 123:6, 203:25, 238:6, 309:4 generalize [1] - 65:8 generally [16] - 11:1, 57:16, 57:19, 61:24, 64:8, 64:17, 64:19, 64:20, 64:21, 65:6, 77:15, 113:12, 144:24, 155:16, 160:3, 301:17 generate [1] - 120:3 generation [2] - 239:8, 295:8 genuine [4] - 296:16, 297:1, 297:6, 299:7 geographical [1] - 304:2 George [1] - 200:17 German [1] - 295:23 germane [1] - 156:3 get-go [1] - 58:24 Ghostbusters [2] - 239:6, 244:13 Gilda [3] - 222:5, 222:10, 222:11 Gin [2] - 28:4, 37:17 gin [7] - 32:3, 32:17, | | | | |

| | | | | |
|--|--|--|---|--|
| <p>243:13 God [1] - 298:6 God-head [1] - 298:6 gold [5] - 144:25, 145:2, 321:16, 322:3 Golding [1] - 259:21 golf [4] - 211:13, 213:9, 213:11 golfing [1] - 204:7 goods [5] - 256:21, 260:16, 273:6, 273:17, 289:1 Goose [19] - 28:3, 37:20, 40:14, 43:18, 71:25, 72:16, 131:20, 131:21, 131:23, 132:1, 132:13, 132:14, 134:8, 134:14, 135:3, 138:1, 138:8, 174:15 Goth [1] - 334:19 Goths [4] - 294:18, 294:22, 334:16, 334:21 government [6] - 41:12, 95:7, 175:3, 189:23, 233:4, 233:8 graced [1] - 217:4 graduate [1] - 96:5 grain [1] - 189:24 grandfather [1] - 295:10 grandkids [1] - 239:5 granted [1] - 226:15 graphic [3] - 161:19, 264:11 graphics [2] - 162:1, 162:21 gratifying [1] - 242:11 great [20] - 34:13, 39:2, 56:21, 132:21, 174:11, 174:14, 174:15, 174:16, 224:15, 226:24, 232:18, 233:7, 239:1, 239:16, 242:5, 295:10, 296:7, 301:21, 321:6 great-grandfather [1] - 295:10 greater [1] - 61:23 green [4] - 37:18, 245:9, 299:22, 300:3 greet [1] - 238:20 Grey [19] - 28:3, 37:20, 40:14, 43:18, 71:25, 72:16, 131:20, 131:21, 131:22, 132:1, 132:13,</p> | <p>132:14, 134:8, 134:13, 135:3, 138:1, 138:8, 174:15 grin [1] - 236:10 grinning [1] - 316:9 grocery [3] - 78:7, 90:18, 91:1 gross [1] - 195:18 grounds [1] - 297:18 Group [4] - 93:21, 93:23, 93:25, 97:3 group [7] - 24:20, 112:3, 112:4, 145:19, 163:17, 237:25, 332:23 groups [3] - 94:6, 115:23, 171:7 grow [1] - 32:10 grown [1] - 31:20 growth [3] - 31:23, 58:4, 58:8 guards [1] - 345:4 guess [14] - 47:3, 154:24, 155:2, 155:9, 155:12, 156:19, 157:11, 222:7, 240:24, 244:23, 245:17, 275:11, 309:11, 334:7 guessing [1] - 155:7 guided [1] - 28:20 Guild [4] - 220:10, 220:11, 249:2 guitar [1] - 220:17 guy [2] - 242:2, 242:3 guys [3] - 20:11, 180:21, 342:20</p> | <p>60:14, 60:15, 67:1, 78:17, 93:1, 147:19, 183:15, 186:7, 186:9, 186:10, 196:10, 200:18, 214:15, 251:18, 252:2, 253:3, 280:19, 303:23, 305:11, 335:20 hand-fill [2] - 251:18, 253:3 hand-painted [1] - 186:7 handbook [4] - 77:11, 77:13, 78:11, 79:2 handed [2] - 123:22, 148:12 handful [1] - 153:18 handle [1] - 9:22 handled [1] - 230:15 handles [1] - 248:12 handling [1] - 242:22 hands [1] - 236:1 happily [1] - 301:21 happy [3] - 155:20, 232:8, 285:21 hard [4] - 188:6, 189:13, 262:8, 274:24 hardware [1] - 231:12 HARRIS [1] - 2:4 Harris [1] - 4:10 Harvard [3] - 95:20, 95:22, 96:14 hatched [1] - 282:12 haul [1] - 225:5 hauler [1] - 219:22 haulers [1] - 220:3 hauling [1] - 219:22 head [12] - 17:23, 155:22, 157:24, 210:15, 251:6, 298:6, 299:9, 312:21, 329:9, 329:13, 339:19 Head [283] - 29:17, 31:2, 31:3, 31:10, 33:20, 33:23, 34:1, 34:4, 38:2, 38:11, 39:5, 39:8, 39:11, 40:17, 40:21, 41:21, 42:7, 42:21, 43:2, 43:5, 44:2, 44:4, 44:7, 44:15, 44:18, 45:3, 45:9, 48:8, 48:22, 51:18, 51:20, 52:23, 52:24, 64:11, 65:23, 66:1, 66:5, 66:10, 66:19, 72:23, 73:1, 73:24, 74:1, 74:6, 74:7, 74:14, 75:1,</p> | <p>75:8, 81:23, 82:2, 83:6, 83:11, 83:24, 85:18, 85:20, 86:18, 86:21, 87:13, 87:14, 87:18, 87:20, 87:21, 89:22, 98:12, 104:17, 104:19, 105:20, 108:18, 108:21, 108:24, 109:1, 109:2, 109:4, 109:12, 109:24, 110:3, 115:18, 116:19, 116:21, 119:6, 119:8, 121:11, 122:4, 124:14, 127:19, 127:21, 129:20, 130:14, 130:16, 130:24, 131:10, 132:2, 132:3, 132:17, 132:19, 132:22, 134:7, 134:15, 134:20, 134:22, 134:24, 135:1, 135:8, 135:12, 135:16, 135:19, 135:20, 135:22, 136:1, 136:5, 136:8, 137:18, 138:2, 138:4, 138:19, 139:10, 139:24, 143:24, 146:3, 146:6, 146:10, 147:6, 147:15, 149:9, 149:23, 151:12, 151:23, 152:5, 152:13, 160:9, 160:10, 165:8, 168:23, 169:9, 169:14, 169:19, 171:25, 172:5, 173:19, 173:25, 174:3, 174:5, 174:10, 174:13, 174:20, 180:23, 181:8, 181:15, 182:11, 182:24, 183:18, 183:21, 183:22, 184:12, 184:14, 184:19, 184:25, 185:8, 185:14, 185:21, 185:24, 188:20, 189:16, 189:17, 189:20, 193:13, 194:4, 204:8, 204:9, 204:12, 204:20, 205:2, 205:7, 205:12, 205:17, 205:19, 206:1, 206:25, 207:5, 207:8, 207:15, 208:1, 208:23, 209:12, 209:25, 210:7, 210:8,</p> | <p>228:8, 229:25, 235:1, 236:8, 237:22, 241:7, 241:20, 243:6, 244:4, 255:5, 255:13, 255:21, 257:8, 257:9, 257:20, 269:25, 273:4, 282:6, 282:12, 287:1, 288:21, 289:13, 290:20, 290:24, 291:8, 291:12, 291:17, 292:1, 293:15, 293:23, 294:9, 294:15, 294:20, 294:23, 295:1, 296:16, 299:14, 299:17, 299:18, 300:21, 301:8, 301:11, 301:15, 301:24, 302:18, 302:21, 303:7, 303:10, 303:13, 305:16, 305:19, 307:7, 308:2, 308:20, 309:9, 312:15, 312:24, 313:12, 313:19, 313:22, 314:9, 314:16, 314:20, 315:13, 315:19, 315:23, 316:8, 316:21, 317:20, 317:22, 317:25, 318:5, 318:25, 319:7, 319:14, 319:21, 319:25, 320:15, 320:16, 322:5, 322:9, 322:13, 322:16, 322:22, 323:24, 324:17, 324:19, 326:2, 329:18, 332:7, 338:2 Head's [1] - 74:24 head-shaped [2] - 329:9, 329:13 headed [1] - 28:13 heads [23] - 83:7, 149:14, 185:1, 227:19, 228:10, 240:24, 241:3, 241:13, 242:24, 282:7, 294:24, 295:2, 295:3, 295:6, 295:13, 296:11, 297:5, 297:11, 298:14, 299:21, 303:3, 306:14, 306:20 healing [1] - 299:4 hear [10] - 6:13, 7:21, 9:3, 23:9, 23:10,</p> |
| | <p>H</p> | | | |
| | <p>habits [1] - 70:21 Hair [1] - 226:6 half [28] - 21:4, 91:22, 97:5, 124:16, 124:17, 141:5, 141:11, 145:16, 145:17, 145:18, 145:20, 147:4, 200:4, 216:25, 218:19, 244:14, 245:3, 245:4, 246:25, 248:2, 269:18, 269:19, 270:1, 270:24, 270:25, 342:6, 342:10 halfway [1] - 261:13 hallway [1] - 198:1 ham [1] - 103:13 hand [21] - 23:24,</p> | | | |

| | | | | |
|---|---|---|--|--|
| <p>45:24, 48:7, 304:12, 339:14, 340:2</p> <p>heard [13] - 8:11, 18:6, 45:24, 46:3, 49:17, 54:12, 54:16, 62:23, 177:10, 242:9, 249:24, 254:11, 306:19</p> <p>hearsay [3] - 175:16, 177:25, 178:2</p> <p>heat [4] - 242:8, 275:11, 310:22, 331:15</p> <p>heavily [2] - 105:13, 167:23</p> <p>heavy [1] - 67:20</p> <p>Hedges [8] - 282:3, 296:16, 297:3, 298:22, 298:23, 299:18, 299:20, 300:3</p> <p>Hedges' [1] - 227:19</p> <p>HELD [1] - 347:14</p> <p>held [6] - 20:3, 20:8, 203:22, 232:1, 232:4, 268:21</p> <p>Helena [1] - 189:25</p> <p>help [7] - 18:18, 94:11, 94:12, 94:20, 217:8, 229:9, 298:5</p> <p>helped [1] - 331:13</p> <p>helpful [4] - 7:14, 18:14, 19:2, 206:11</p> <p>helps [1] - 10:8</p> <p>Hemi [4] - 151:19, 246:7, 247:11, 248:6</p> <p>HEREBY [1] - 347:11</p> <p>herein [2] - 24:1, 93:3</p> <p>Herkimer [6] - 322:20, 322:21, 322:23, 322:25, 323:13, 323:21</p> <p>Hernan [2] - 4:14, 5:21</p> <p>HERNAN [1] - 2:11</p> <p>hero [1] - 330:5</p> <p>Herradura [1] - 43:20</p> <p>hewlett [1] - 297:2</p> <p>hewlett-Packard [1] - 297:2</p> <p>hex [1] - 265:5</p> <p>hexagonal [11] - 264:22, 264:23, 264:25, 265:6, 265:8, 266:20, 279:8, 279:10, 279:18, 279:21, 279:22</p> <p>Hi [1] - 238:18</p> <p>High [1] - 218:6</p> <p>high [11] - 64:21,</p> | <p>68:21, 70:8, 166:21, 195:9, 218:1, 218:4, 218:5, 218:21, 220:22, 323:11</p> <p>high-end [3] - 64:21, 68:21, 70:8</p> <p>higher [6] - 62:23, 166:24, 195:25, 196:16, 270:8, 298:4</p> <p>highest [5] - 134:13, 138:7, 188:13, 193:16</p> <p>highlight [1] - 8:2</p> <p>highly [2] - 34:9, 67:10</p> <p>highway [1] - 242:8</p> <p>hired [1] - 53:4</p> <p>history [4] - 41:11, 215:7, 224:10, 321:24</p> <p>hit [2] - 58:22, 257:7</p> <p>hits [3] - 242:18, 242:21, 243:2</p> <p>hoax [4] - 295:20, 297:8, 298:1, 298:12</p> <p>hobbies [1] - 204:6</p> <p>hold [5] - 172:7, 191:5, 315:8, 331:11, 337:16</p> <p>holder [1] - 215:11</p> <p>Hollywood [1] - 334:20</p> <p>home [3] - 226:12, 239:10, 239:11</p> <p>honestly [1] - 323:17</p> <p>honey [2] - 327:10, 327:12</p> <p>Honor [139] - 4:13, 4:14, 4:17, 4:20, 4:25, 5:21, 5:23, 5:25, 6:8, 6:11, 6:25, 8:2, 8:15, 9:9, 9:12, 10:4, 10:8, 10:17, 11:5, 11:6, 12:13, 12:21, 13:10, 13:25, 15:2, 15:7, 15:19, 15:21, 16:5, 16:12, 17:17, 17:21, 17:25, 18:25, 19:11, 20:3, 20:13, 20:18, 21:17, 21:23, 22:3, 22:17, 23:22, 48:25, 49:6, 49:14, 50:20, 51:6, 59:11, 69:25, 78:25, 79:5, 79:9, 81:2, 86:11, 89:1, 89:11, 90:10, 91:16, 91:19, 92:11, 92:16, 92:23, 92:24, 93:11, 123:21, 144:16, 154:16, 164:3, 170:3, 177:16, 177:18, 177:20, 177:24,</p> | <p>183:13, 184:1, 184:7, 192:11, 196:23, 196:25, 197:25, 199:1, 199:8, 199:22, 199:24, 200:12, 200:16, 211:25, 212:14, 214:6, 214:8, 214:12, 266:8, 269:2, 269:13, 274:9, 276:1, 276:19, 276:22, 280:24, 284:6, 284:11, 286:20, 293:5, 297:17, 304:5, 304:13, 304:18, 305:2, 306:7, 306:9, 307:23, 308:9, 310:4, 311:17, 311:23, 313:2, 313:5, 324:1, 324:10, 328:16, 330:9, 330:11, 330:14, 330:24, 339:5, 339:21, 340:2, 340:11, 340:15, 341:6, 341:21, 342:25, 343:13, 343:25, 344:2, 345:4, 345:9, 345:18</p> <p>Honor's [1] - 345:19</p> <p>HONORABLE [1] - 1:7</p> <p>hope [3] - 198:22, 291:25, 345:2</p> <p>hopefully [1] - 260:17</p> <p>hoping [1] - 5:11</p> <p>hot [1] - 40:2</p> <p>hotel [1] - 259:1</p> <p>hour [18] - 10:8, 19:23, 20:9, 20:10, 20:12, 21:1, 21:8, 21:12, 91:22, 198:23, 199:8, 200:4, 342:6, 342:7, 342:10, 342:11, 342:25</p> <p>hours [5] - 10:19, 11:15, 11:16, 21:4, 199:12</p> <p>house [1] - 225:23</p> <p>House [3] - 235:21, 235:22, 236:5</p> <p>housekeeping [1] - 14:1</p> <p>HOUSTON [1] - 2:6</p> <p>Houston [3] - 225:1, 225:2, 238:4</p> <p>Howard [1] - 302:3</p> <p>huge [1] - 38:8</p> <p>Hull [4] - 217:14, 217:16, 217:18, 217:20</p> | <p>human [4] - 280:11, 309:10, 309:16, 309:21</p> <p>hummel [1] - 20:19</p> <p>Hummel [10] - 4:21, 6:25, 11:6, 21:14, 21:17, 212:17, 213:16, 277:2, 293:7, 337:25</p> <p>HUMMEL [126] - 2:15, 4:20, 6:24, 8:5, 8:15, 9:12, 11:6, 12:13, 16:9, 16:12, 17:17, 17:21, 18:25, 19:9, 19:17, 20:12, 20:15, 20:23, 22:6, 45:17, 48:2, 48:25, 49:5, 49:9, 51:6, 52:1, 59:12, 69:24, 70:2, 70:6, 73:10, 73:16, 78:17, 78:20, 79:1, 79:9, 79:13, 79:17, 79:25, 81:4, 86:8, 88:19, 88:22, 89:1, 89:11, 90:10, 91:10, 198:8, 198:10, 199:7, 199:24, 208:8, 211:23, 214:8, 266:8, 266:11, 274:9, 276:18, 276:21, 276:25, 277:21, 277:23, 280:19, 280:23, 281:3, 281:19, 284:6, 284:10, 284:14, 284:16, 285:6, 285:23, 286:22, 287:15, 287:18, 291:4, 291:5, 293:12, 297:21, 304:5, 304:9, 304:22, 304:24, 305:1, 305:7, 305:14, 306:6, 306:11, 306:17, 307:16, 307:21, 307:25, 308:15, 308:18, 309:2, 310:2, 310:8, 311:16, 311:21, 312:5, 313:2, 313:10, 313:18, 324:9, 324:15, 328:16, 328:18, 330:10, 340:11, 340:15, 340:21, 341:1, 341:8, 341:10, 341:18, 342:2, 342:9, 342:14, 342:17, 342:20, 342:24, 343:5, 343:8, 343:25, 344:2, 345:18</p> <p>humorous [1] -</p> | <p>99:18</p> <p>hundred [7] - 160:14, 160:15, 242:3, 242:4, 325:23, 326:4</p> <p>hundreds [2] - 57:3, 57:7</p> <p>hurt [2] - 203:15, 261:15</p> <p>hurts [1] - 329:6</p> <p>I</p> <p>I-S-A-A-C-S-O-N [1] - 93:9</p> <p>Ice [1] - 40:8</p> <p>iconic [2] - 37:13, 132:17</p> <p>ID [4] - 122:7, 122:9, 122:11, 122:12</p> <p>idea [29] - 20:6, 20:22, 123:6, 158:8, 159:6, 168:17, 171:23, 188:1, 215:20, 220:20, 224:21, 226:24, 227:10, 231:18, 237:2, 238:7, 239:18, 240:4, 241:19, 244:3, 247:2, 247:12, 247:21, 257:3, 271:16, 281:21, 281:23, 282:6, 282:12</p> <p>identical [1] - 112:4</p> <p>identification [4] - 78:19, 117:5, 280:24, 284:4</p> <p>identified [6] - 92:20, 146:17, 147:14, 166:6, 166:13, 197:21</p> <p>identifies [3] - 319:10, 319:18, 320:18</p> <p>identify [10] - 31:7, 113:5, 118:6, 119:16, 123:24, 134:18, 135:8, 136:6, 148:13, 166:4</p> <p>ignorance [1] - 129:6</p> <p>ignore [3] - 47:2, 47:6, 47:21</p> <p>ill [1] - 248:18</p> <p>illusion [2] - 337:15, 337:18</p> <p>illusions [1] - 337:9</p> <p>image [5] - 102:10, 102:11, 229:23, 300:8, 318:11</p> <p>images [3] - 102:13,</p> |
|---|---|---|--|--|

| | | | | |
|---|---|---|---|--|
| <p>298:17, 344:16 imagine [3] - 100:12, 107:5, 131:3 imbue [1] - 228:15 immediate [1] - 247:5 immediately [3] - 168:25, 169:3, 228:19 impact [2] - 44:1, 158:13 impeaching [1] - 312:4 impeachment [3] - 50:21, 79:9, 311:24 imperative [1] - 102:17 imperfect [1] - 77:17 implementing [1] - 305:21 implied [1] - 257:18 imply [1] - 338:1 import [1] - 26:7 importance [1] - 72:2 important [30] - 6:3, 6:4, 23:16, 25:10, 28:18, 30:2, 31:7, 31:17, 31:18, 31:24, 32:14, 33:10, 34:22, 35:5, 37:3, 42:24, 74:13, 74:23, 82:1, 84:23, 107:23, 111:21, 122:24, 133:4, 159:19, 171:13, 292:23, 293:22, 315:22 importation [1] - 235:12 imported [11] - 32:9, 32:11, 32:18, 76:8, 76:13, 76:20, 76:23, 81:6, 189:11, 208:15, 235:7 importer [11] - 52:24, 74:25, 190:14, 243:8, 291:11, 292:2, 292:4, 294:8, 294:21, 319:10, 332:24 Importer [1] - 189:25 importing [1] - 226:16 imports [2] - 77:7, 80:9 impose [1] - 304:11 impossible [1] - 35:8 impounded [1] - 273:18 impressed [1] - 225:22 impression [1] -</p> | <p>320:21 impressive [1] - 224:15 improper [1] - 130:11 improv [1] - 221:17 improve [1] - 94:12 impulse [1] - 65:7 IN [3] - 347:9, 347:14, 347:16 inappropriate [4] - 171:19, 191:25, 192:3, 193:8 inarticulate [1] - 154:22 Inc [2] - 189:12, 190:1 INC [1] - 1:15 incentive [1] - 106:9 inception [1] - 247:17 inch [14] - 270:15, 270:16, 270:18, 270:19, 270:20, 271:2, 271:3, 287:9, 287:17, 287:25, 317:5 inches [10] - 269:19, 270:1, 270:5, 270:7, 270:24, 270:25, 287:21, 287:22, 288:6, 288:13 include [12] - 12:25, 17:2, 17:5, 17:10, 21:2, 98:23, 156:14, 160:18, 171:18, 171:20, 300:21, 324:4 included [14] - 17:5, 17:8, 17:9, 22:11, 22:13, 22:15, 28:3, 155:10, 157:5, 157:9, 157:15, 157:16, 157:19, 193:18 includes [2] - 95:24, 172:15 including [14] - 15:13, 19:24, 20:10, 20:14, 20:16, 30:17, 97:19, 115:9, 138:5, 142:14, 172:24, 302:3, 316:22, 318:11 income [2] - 218:22, 292:22 inconsistent [2] - 50:8, 50:15 inconvenienced [1] - 10:3 INCORPORATED [1] - 1:11 Incorporated [2] - 4:7</p> | <p>incorrect [1] - 328:6 increase [4] - 35:1, 35:2, 37:10, 39:24 increased [5] - 19:19, 34:16, 34:19, 35:5, 193:19 increasingly [3] - 25:10, 71:15, 71:22 incredible [2] - 220:14, 233:6 indeed [1] - 291:1 indentation [9] - 314:21, 314:23, 315:2, 315:3, 315:4, 315:6, 315:9, 315:17, 315:19 independent [2] - 96:3, 130:5 Indianapolis [1] - 240:1 indicate [7] - 23:5, 80:24, 116:17, 137:23, 276:8, 292:11, 334:8 indicated [7] - 11:18, 50:1, 50:4, 55:18, 121:23, 155:14, 339:12 indicates [4] - 71:14, 138:12, 147:23, 262:19 indicating [3] - 121:1, 134:23, 212:8 indicating [1] - 333:25 indication [1] - 150:23 individual [2] - 1:16, 276:14 industrial [1] - 325:18 industry [40] - 24:21, 24:22, 25:18, 26:4, 28:11, 29:9, 29:12, 31:8, 31:18, 31:19, 32:8, 32:10, 34:25, 38:8, 39:14, 39:19, 41:2, 55:18, 62:3, 62:21, 77:18, 78:13, 81:19, 89:16, 107:22, 139:6, 172:9, 206:18, 235:17, 249:23, 260:15, 291:24, 292:3, 292:11, 302:11, 323:6, 333:11, 334:1, 334:3, 334:7 infant [1] - 309:17 inference [1] - 257:22</p> | <p>inferior [1] - 261:17 inferred [2] - 127:20, 134:23 infinite [1] - 193:22 Infinium [21] - 52:20, 52:22, 52:24, 53:2, 53:4, 53:5, 53:8, 53:11, 73:24, 74:6, 74:25, 204:18, 204:20, 205:3, 208:20, 208:22, 243:8, 257:10, 332:23, 332:25, 333:1 inform [2] - 158:5, 235:17 information [15] - 30:16, 51:15, 73:15, 74:14, 74:24, 78:1, 94:3, 94:4, 94:6, 140:10, 152:21, 186:15, 205:22, 205:25, 285:11 informed [5] - 45:11, 65:2, 65:3, 158:1, 339:6 infringe [1] - 329:10 infringed [2] - 256:7, 256:8 infringement [2] - 256:18, 260:13 infringes [1] - 329:5 infringing [2] - 261:5, 326:22 infused [1] - 68:18 ingredient [4] - 112:5, 112:8, 112:9, 112:10 inherited [1] - 295:11 initial [1] - 58:16 initialed [1] - 213:1 innovative [1] - 41:3 input [2] - 155:9, 325:11 inquire [2] - 199:13, 301:16 inscriptive [2] - 108:14, 108:15 insert [3] - 300:22, 300:25, 301:3 inserted [1] - 231:12 inserts [3] - 301:2, 301:4 inside [4] - 28:13, 34:15, 109:8, 300:9 inspired [3] - 181:23, 266:2, 294:23 instance [3] - 86:22, 238:9, 246:23 instances [4] - 47:11, 58:14, 65:7,</p> | <p>169:12 instant [1] - 37:7 instead [8] - 32:25, 72:6, 72:7, 160:13, 168:5, 179:6, 179:12, 200:4 Institute [1] - 96:12 instruct [1] - 59:8 instructing [1] - 14:4 instruction [19] - 14:8, 14:16, 14:18, 14:25, 15:2, 15:8, 15:9, 15:11, 15:17, 17:9, 17:11, 46:1, 46:12, 47:10, 47:23, 49:16, 50:2, 79:21, 284:22 instructions [17] - 14:4, 14:6, 14:7, 15:14, 16:14, 16:17, 16:20, 16:21, 17:7, 17:13, 18:5, 45:22, 74:16, 106:18, 114:10, 260:11, 344:5 insult [2] - 275:11, 311:3 insulted [1] - 275:3 insulting [2] - 275:3, 311:7 integral [1] - 331:12 intend [2] - 187:19, 197:22 intended [6] - 65:17, 115:22, 197:22, 277:8, 320:8, 324:9 intending [1] - 198:13 intent [1] - 95:9 intentionally [3] - 131:16, 256:8, 316:10 interaction [3] - 36:4, 67:22 interactivity [1] - 33:22 intercept [3] - 106:1, 107:1, 108:8 interest [8] - 38:13, 41:13, 53:22, 65:1, 112:12, 195:5, 195:6, 295:12 interested [3] - 29:19, 213:24, 259:3 interesting [4] - 6:24, 34:14, 53:22, 132:19 interestingly [3] - 132:18, 132:20, 221:23 internet [7] - 179:15, 179:19, 180:4,</p> |
|---|---|---|---|--|

| | | | | |
|--|--|--|---|---|
| 181:11, 182:5, 182:20, 186:16 Internet [1] - 255:20 interpose [1] - 293:5 interpret [1] - 135:25 interpreted [1] - 168:14 interrupt [2] - 92:1, 106:2 interview [13] - 106:8, 106:11, 106:20, 108:13, 108:25, 110:7, 122:21, 123:10, 131:11, 131:24, 155:24, 158:16, 303:2 interviewed [5] - 113:17, 121:22, 123:11, 145:7, 203:6 interviewee [1] - 125:25 interviewees [1] - 100:17 interviewer [1] - 123:12 interviewers [1] - 106:18 interviewing [5] - 105:6, 106:6, 106:14, 108:12, 109:15 interviews [14] - 70:16, 100:16, 105:19, 106:23, 106:25, 109:22, 113:19, 123:3, 140:16, 140:17, 143:11, 143:13, 149:2, 156:1 intrinsic [1] - 67:22 introduce [5] - 24:13, 37:12, 93:15, 201:8, 215:3 introduced [12] - 57:4, 59:6, 61:10, 61:17, 173:22, 174:10, 223:11, 223:19, 223:23, 310:24, 324:21, 324:24 introduction [6] - 72:25, 173:23, 174:3, 174:4, 282:19, 282:22 invested [1] - 191:16 investment [1] - 245:15 invisible [1] - 184:25 invited [1] - 213:12 invoice [1] - 247:4 involved [10] - 26:3, 26:5, 29:11, 38:13, | 97:7, 211:3, 230:18, 289:20, 289:23, 290:1 involvement [1] - 29:3 involves [1] - 64:11 involving [1] - 64:10 IS [2] - 347:13, 347:16 Isaacson [26] - 91:20, 92:17, 93:8, 93:14, 93:16, 93:17, 95:15, 97:21, 100:3, 111:3, 120:21, 121:19, 122:17, 124:6, 132:7, 136:15, 142:24, 143:20, 144:19, 144:23, 150:19, 164:10, 192:15, 194:21, 196:8, 196:21 ISAACSON [2] - 3:4, 93:2 isolate [2] - 111:20, 292:13 isolating [1] - 111:22 issue [36] - 6:3, 6:6, 12:23, 14:3, 15:22, 21:14, 21:18, 31:5, 31:13, 34:7, 35:10, 35:12, 35:15, 36:19, 36:23, 41:4, 41:6, 41:8, 43:7, 43:8, 43:12, 44:8, 70:11, 70:12, 98:8, 98:13, 111:6, 129:19, 136:19, 140:4, 143:21, 144:2, 180:1, 185:5, 343:21 issued [2] - 263:7, 264:2 issues [14] - 8:2, 13:4, 14:13, 30:2, 30:7, 30:20, 38:1, 38:3, 44:1, 45:25, 103:7, 155:6, 243:19, 246:12 IT [1] - 204:1 Italy [1] - 230:8 item [5] - 157:14, 181:3, 181:6, 181:8, 184:14 items [7] - 55:7, 55:10, 65:1, 149:22, 149:23, 152:1, 156:23 iterations [1] - 331:7 itself [16] - 9:5, 33:17, 34:6, 62:10, 65:23, 66:1, 97:4, 106:20, 106:21, 230:23, 232:16, | 260:23, 319:18, 335:15, 342:9, 342:12 J Jabour [1] - 259:22 Jack [1] - 43:20 jalapeno [1] - 70:5 jalapenos [1] - 68:18 James [2] - 244:16, 244:19 jaw [2] - 268:11, 268:15 JENNY [1] - 2:7 Jenny [1] - 4:17 Jim [1] - 142:4 job [7] - 202:16, 203:3, 209:8, 213:13, 218:25, 242:12 John [16] - 222:5, 222:12, 223:6, 224:15, 226:1, 226:2, 226:5, 226:18, 227:12, 228:25, 229:12, 245:21, 248:6, 268:7, 271:19, 282:2 John's [3] - 224:3, 231:5, 316:5 JOHNSON [1] - 2:18 join [1] - 222:16 joined [2] - 27:2, 232:21 joint [1] - 6:5 JON [1] - 2:18 Jon [1] - 4:25 Jonathan [2] - 151:18, 246:6 JORGE [2] - 200:19, 200:25 Jorge [3] - 3:4, 200:25, 201:9 Jose [7] - 33:2, 43:22, 43:24, 72:4, 88:17, 115:1, 163:3 Journal [1] - 97:12 journal [2] - 97:13, 97:18 JP [2] - 226:20, 227:2 judge [1] - 23:17 Judge [1] - 260:11 JUDGE [1] - 1:8 judged [1] - 46:6 judges [1] - 176:11 judging [1] - 50:17 JUDICIAL [1] - 347:17 jug [2] - 234:23, | 328:10 juice [2] - 234:23, 236:21 Julio [13] - 43:22, 84:13, 84:15, 85:7, 110:11, 114:7, 115:4, 142:12, 142:13, 159:11, 188:6, 188:7 June [2] - 93:24, 202:25 jurors [24] - 12:5, 19:4, 21:19, 23:6, 45:20, 47:21, 47:22, 49:16, 50:9, 91:11, 92:3, 197:5, 197:11, 197:19, 199:9, 199:14, 200:1, 268:17, 268:22, 276:8, 276:9, 284:19, 330:18 JURORS [1] - 197:18 jury [69] - 5:4, 5:5, 10:20, 10:22, 12:9, 14:4, 14:6, 14:7, 14:9, 14:17, 15:10, 16:7, 16:14, 16:17, 17:15, 18:6, 18:14, 18:18, 18:24, 20:1, 21:8, 22:16, 24:13, 27:8, 50:4, 93:15, 100:1, 111:4, 117:13, 119:14, 123:4, 139:4, 166:14, 197:1, 197:12, 197:16, 197:17, 201:8, 207:19, 212:1, 214:13, 215:3, 215:15, 216:14, 218:24, 221:15, 222:4, 226:2, 235:3, 240:20, 241:19, 252:13, 252:23, 258:14, 260:9, 260:10, 261:7, 264:19, 267:7, 268:2, 268:20, 279:20, 284:23, 285:1, 293:9, 330:15, 332:18, 338:17, 344:5 JURY [2] - 22:24, 338:22 Justice [2] - 95:5, 175:8 K KAH [230] - 31:2, 31:3, 31:10, 39:8, 44:2, 44:3, 44:17, 45:2, 45:4, 48:8, | 48:22, 51:8, 51:10, 51:16, 56:14, 68:24, 69:4, 69:13, 70:3, 72:25, 82:14, 83:1, 83:3, 83:18, 83:20, 85:13, 85:20, 86:19, 86:25, 98:12, 104:17, 104:19, 105:20, 108:19, 108:21, 110:4, 110:10, 110:14, 110:17, 111:1, 111:6, 111:7, 112:18, 112:20, 112:21, 113:2, 113:4, 113:21, 114:11, 114:14, 114:22, 115:12, 115:17, 118:22, 119:19, 119:24, 120:10, 121:12, 122:3, 122:16, 123:19, 124:15, 124:21, 125:14, 126:1, 127:18, 127:22, 135:16, 135:19, 139:12, 139:24, 143:24, 145:15, 145:17, 145:21, 146:2, 146:8, 146:18, 146:20, 147:14, 148:23, 149:10, 149:16, 149:18, 149:20, 149:22, 156:25, 157:14, 160:21, 161:20, 161:25, 162:7, 162:9, 162:15, 163:20, 164:5, 166:23, 166:24, 166:25, 167:5, 167:9, 167:10, 167:11, 167:24, 169:13, 169:17, 170:5, 170:8, 170:10, 171:6, 171:10, 179:21, 180:6, 180:8, 180:10, 180:23, 181:3, 181:15, 181:19, 181:22, 182:9, 182:10, 182:12, 182:23, 183:15, 185:8, 185:9, 185:14, 186:4, 186:7, 186:11, 186:12, 186:19, 188:19, 188:25, 189:1, 191:5, 191:6, 192:5, 193:12, 193:18, 193:25, 194:3, 194:12, 195:18, 206:21, 206:23, 207:4, 207:8, 207:25, 208:16, |
|--|--|--|---|---|

| | | | | |
|---|---|---|--|--|
| 209:14, 209:22, 209:25, 210:6, 210:8, 210:19, 210:23, 249:15, 250:7, 250:21, 251:1, 251:8, 251:10, 251:24, 253:22, 255:3, 255:23, 255:25, 257:21, 259:6, 260:13, 260:19, 261:5, 269:10, 271:2, 271:8, 271:14, 271:22, 273:12, 274:19, 275:4, 277:7, 279:17, 287:11, 287:19, 288:7, 288:18, 289:10, 303:16, 303:19, 306:1, 306:12, 307:8, 308:1, 308:19, 310:9, 310:15, 310:20, 310:23, 312:6, 312:14, 312:23, 313:20, 313:23, 314:1, 314:3, 314:17, 315:1, 315:10, 315:17, 316:12, 316:25, 317:10, 317:16, 318:3, 318:8, 318:16, 318:17, 318:20, 319:4, 319:16, 319:18, 319:19, 324:24, 325:4, 326:7, 326:24, 327:19, 329:4 KAH's [9] - 111:20, 111:23, 112:12, 113:6, 114:3, 119:17, 120:6, 120:16, 163:14 KAHs [2] - 193:20, 195:6 keep [9] - 18:21, 19:1, 21:7, 199:1, 317:14, 328:2, 328:4, 328:5 keeping [1] - 18:22 Keith [3] - 4:21, 6:25, 11:6 KEITH [1] - 2:15 kept [1] - 298:24 Ketel [6] - 43:22, 71:23, 71:24, 72:3, 72:7, 84:11 key [4] - 38:3, 58:6, 81:22, 258:21 kick [1] - 242:8 kid [1] - 231:8 kids [2] - 239:5, 239:7 Kim [15] - 4:18, 5:1, | 14:14, 254:9, 254:11, 257:7, 257:16, 258:6, 276:10, 279:23, 326:11, 326:13, 327:13, 327:16, 328:8 KIM [11] - 1:16, 2:7, 4:17, 49:6, 49:14, 69:23, 341:21, 341:25, 343:13, 344:14, 345:8 kind [38] - 8:9, 93:25, 99:3, 99:4, 103:21, 103:23, 104:3, 104:15, 104:23, 130:21, 137:4, 139:17, 141:21, 154:10, 161:1, 166:19, 177:11, 194:24, 203:14, 217:21, 219:4, 220:24, 223:19, 228:1, 236:7, 236:19, 238:13, 240:24, 244:20, 246:1, 249:11, 250:25, 252:10, 261:2, 275:6, 275:10, 321:21, 323:22 kinds [6] - 94:5, 99:11, 99:20, 103:22, 111:11, 231:23 King [1] - 321:9 KLEEGER [3] - 1:23, 347:9, 347:23 knockoff [1] - 338:10 knowledge [4] - 107:22, 224:9, 224:10, 324:24 known [22] - 6:19, 101:22, 102:6, 102:8, 102:17, 128:17, 128:18, 129:18, 129:20, 129:21, 130:1, 130:3, 130:4, 130:10, 130:11, 130:15, 130:17, 130:25, 184:24, 185:22, 188:13, 333:24 knows [2] - 188:4, 234:24 | label [21] - 37:13, 40:13, 60:21, 60:22, 110:16, 160:21, 161:13, 188:16, 188:21, 188:22, 188:24, 189:3, 189:4, 189:5, 189:23, 191:7, 191:9, 191:14, 192:7, 271:5, 271:12 labeled [13] - 182:10, 182:12, 182:25, 183:2, 183:3, 183:19, 183:20, 183:22, 183:24, 184:3, 185:16, 189:22 labelling [1] - 60:19 labels [5] - 44:24, 190:20, 190:21, 190:24, 190:25 Labrador [1] - 233:4 lady [2] - 224:1, 255:19 Lady [2] - 217:13, 218:3 lake [2] - 232:23, 233:5 language [2] - 107:9, 307:2 lapidary [1] - 295:23 large [8] - 27:21, 28:6, 40:6, 44:21, 77:4, 140:9, 140:12, 141:9 largely [1] - 14:12 larger [1] - 25:6 largest [7] - 25:7, 25:9, 27:3, 32:4, 43:21, 43:23, 75:19 Las [1] - 249:22 laser [1] - 231:2 lasers [1] - 231:3 last [24] - 14:1, 15:2, 28:6, 43:7, 55:1, 85:12, 93:9, 122:5, 177:10, 187:8, 191:21, 220:1, 233:3, 244:22, 273:7, 274:17, 275:14, 275:19, 293:1, 294:10, 294:17, 322:19, 322:23, 345:8 late [2] - 32:1, 217:3 latelily [1] - 216:25 latter [2] - 98:7, 218:7 Laudanum [1] - 325:14 laudanum [1] - 325:15 launch [5] - 25:17, | 235:16, 235:19, 235:20, 237:5 launched [6] - 41:10, 235:23, 240:18, 241:11, 262:22, 277:8 launches [1] - 40:4 launching [1] - 42:22 LAW [5] - 2:4, 2:5, 2:7, 2:15, 2:18 law [7] - 5:16, 89:9, 90:4, 256:4, 256:17, 260:10, 262:15 lawsuit [9] - 266:13, 273:8, 273:11, 273:15, 277:13, 277:17, 278:22, 280:5, 280:13 lawyer [5] - 46:16, 46:18, 46:19, 48:3, 48:4 lawyers [9] - 49:23, 211:4, 282:10, 282:11, 283:18, 283:22, 336:20, 336:21, 336:24 lead [3] - 38:1, 39:4, 67:17 leading [3] - 90:10, 178:15, 288:24 leads [1] - 36:3 leap [1] - 128:25 learned [3] - 84:22, 192:25, 193:6 least [12] - 8:21, 13:1, 47:11, 63:14, 82:12, 107:11, 134:11, 198:16, 223:21, 253:13, 338:7, 344:17 leave [8] - 16:7, 41:13, 154:14, 161:11, 203:4, 203:12, 214:10, 258:10 left [21] - 20:20, 26:9, 27:2, 28:23, 48:11, 52:7, 52:8, 52:9, 52:16, 52:19, 110:9, 131:21, 145:12, 180:25, 196:5, 196:10, 219:18, 220:25, 223:3, 242:8, 335:20 left-hand [2] - 196:10, 335:20 legacy [1] - 244:21 legal [8] - 54:13, 54:17, 65:19, 96:21, 99:21, 212:4, 258:5, 258:7 | Legal's [1] - 202:7 legend [33] - 83:7, 149:13, 228:11, 230:1, 240:23, 241:3, 281:21, 282:3, 282:7, 294:24, 295:2, 295:4, 295:6, 295:15, 296:3, 299:11, 300:10, 301:14, 301:23, 302:15, 302:17, 302:20, 303:6, 303:11, 303:14, 303:23, 305:10, 306:2, 306:12, 306:18, 306:24, 323:22, 338:8 legendary [1] - 38:24 Legends [1] - 241:7 legends [2] - 301:4, 303:3 lemony [2] - 228:1, 233:12 lengthier [1] - 12:21 lengthy [1] - 302:13 less [15] - 20:15, 22:7, 78:11, 143:5, 148:10, 245:13, 245:14, 270:16, 272:16, 272:17, 275:21, 300:16, 300:18, 300:19, 302:24 lesser [1] - 63:18 letter [6] - 258:5, 258:7, 258:8, 261:25, 277:3, 277:6 Letter [1] - 220:1 lettering [1] - 100:14 letters [1] - 102:12 letting [1] - 19:13 level [10] - 41:14, 41:25, 42:5, 52:10, 52:14, 57:20, 247:22, 247:23, 271:6, 271:10 Levy [2] - 222:5, 222:13 license [1] - 226:16 lies [1] - 314:7 life [8] - 26:6, 186:12, 222:2, 241:2, 244:16, 247:17, 258:1, 330:1 light [1] - 111:14 likelihood [11] - 95:12, 98:11, 98:17, 99:24, 120:23, 121:1, 129:17, 143:23, 144:6, 176:3, 176:10 Likelihood [1] - 99:5 likely [15] - 101:13, 105:11, 107:12, |
| | L | L.A [13] - 201:19, 201:20, 201:22, 202:10, 202:15, 203:1, 203:5, 203:16, 205:6, 231:7, 237:5, 240:2, 240:13 | | |

| | | | | |
|--|--|--|---|---|
| <p>107:21, 125:7, 125:9, 143:24, 150:7, 150:9, 150:15, 150:23, 157:15, 293:2, 328:14, 334:16</p> <p>limine [2] - 13:16, 345:19</p> <p>limit [1] - 292:17</p> <p>Limited [1] - 189:25</p> <p>limited [2] - 176:9, 292:8</p> <p>LINCENBERG [1] - 2:10</p> <p>line [52] - 49:2, 49:9, 51:4, 51:5, 51:17, 53:23, 57:9, 86:20, 87:3, 87:9, 110:19, 110:21, 110:23, 110:24, 110:25, 111:1, 143:16, 198:11, 207:2, 207:14, 207:16, 207:18, 207:20, 208:1, 231:19, 253:1, 253:8, 255:2, 255:5, 255:12, 257:5, 258:3, 262:9, 262:25, 263:1, 263:8, 268:14, 272:8, 293:8, 307:17, 307:18, 307:21, 307:22, 311:17, 311:18, 311:21, 313:3, 329:7, 331:10, 335:1</p> <p>line-up [1] - 110:21</p> <p>line-ups [5] - 110:23, 110:24, 110:25, 111:1, 143:16</p> <p>linear [2] - 268:15, 269:8</p> <p>lined [3] - 101:11, 171:10, 339:25</p> <p>lines [7] - 41:19, 69:19, 69:23, 279:5, 304:9, 306:7</p> <p>lineup [5] - 142:8, 160:14, 160:16, 166:21, 193:19</p> <p>lipid [1] - 228:3</p> <p>Liquer [1] - 26:23</p> <p>liquid [14] - 34:15, 39:2, 62:10, 63:2, 83:15, 261:12, 271:9, 293:23, 294:1, 296:8, 300:25, 301:1, 325:14</p> <p>Liquid [1] - 259:7</p> <p>Liquidators [1] - 129:15</p> <p>liquor [31] - 30:22, 37:9, 40:22, 42:3,</p> | <p>55:21, 56:22, 57:3, 57:4, 77:11, 77:13, 78:7, 78:11, 79:2, 90:16, 90:19, 91:1, 101:10, 103:3, 103:5, 139:11, 151:16, 153:6, 161:6, 168:20, 168:21, 169:8, 171:1, 171:9, 171:15, 201:16</p> <p>Liquor [4] - 202:7, 233:2, 240:8, 259:23</p> <p>liquors [1] - 290:16</p> <p>Liquors [1] - 240:11</p> <p>lis [2] - 320:12, 320:13</p> <p>list [6] - 7:2, 7:4, 18:15, 30:1, 137:20, 137:23</p> <p>listed [4] - 15:23, 54:20, 55:15, 142:7</p> <p>listen [7] - 23:16, 260:11, 339:8, 340:6, 340:10, 343:16, 343:20</p> <p>lists [1] - 55:7</p> <p>litigation [2] - 94:25, 99:24</p> <p>live [5] - 11:22, 215:21, 215:24, 221:16, 341:7</p> <p>Live [4] - 221:4, 222:12, 222:16, 222:21</p> <p>lived [1] - 217:20</p> <p>living [5] - 298:14, 298:17, 298:19, 299:10, 299:12</p> <p>Living [1] - 259:8</p> <p>LLP [1] - 2:14</p> <p>load [1] - 219:9</p> <p>local [2] - 39:23, 237:9</p> <p>located [8] - 24:16, 105:6, 105:9, 105:10, 106:7, 106:12, 122:21, 123:10</p> <p>location [1] - 23:8</p> <p>locations [4] - 122:21, 122:23, 122:25, 130:21</p> <p>logic [1] - 251:21</p> <p>logical [1] - 207:13</p> <p>logically [2] - 250:24, 251:13</p> <p>London [1] - 299:24</p> <p>look [91] - 5:16, 15:5, 18:22, 28:9, 56:10, 56:13, 62:3, 77:15, 79:18, 80:1, 80:4, 80:7, 102:23, 105:12,</p> | <p>108:5, 110:16, 112:15, 112:16, 112:22, 114:5, 114:18, 114:23, 115:15, 120:8, 124:12, 127:17, 131:14, 131:20, 134:17, 139:25, 140:6, 140:25, 141:3, 141:4, 141:22, 142:3, 145:23, 152:8, 152:25, 153:1, 155:13, 155:20, 156:4, 159:16, 159:21, 162:12, 163:18, 166:17, 169:5, 179:20, 182:23, 185:13, 186:11, 187:21, 188:22, 188:24, 194:21, 194:22, 211:15, 229:22, 230:1, 251:15, 260:10, 261:9, 261:12, 268:10, 269:9, 270:3, 270:11, 270:18, 278:16, 278:25, 279:3, 281:8, 285:7, 285:10, 293:13, 294:7, 297:8, 297:9, 297:25, 299:5, 299:6, 309:22, 313:15, 315:8, 316:23, 319:23, 321:25</p> <p>looked [22] - 30:20, 109:4, 114:21, 121:17, 136:21, 138:11, 140:7, 140:18, 153:4, 160:17, 161:22, 162:23, 181:14, 190:17, 227:14, 227:15, 227:18, 230:7, 232:9, 275:7, 312:7</p> <p>looking [30] - 19:5, 102:3, 103:15, 105:19, 108:2, 112:5, 112:11, 115:16, 117:16, 133:15, 139:19, 141:16, 141:17, 158:3, 165:22, 180:8, 180:9, 180:20, 180:22, 185:4, 188:15, 188:21, 195:10, 225:18, 225:20, 253:16, 310:21, 315:3, 344:7</p> <p>looks [7] - 21:19,</p> | <p>159:22, 183:14, 184:18, 227:18, 299:17, 336:13</p> <p>loosely [1] - 161:19</p> <p>Lorne [3] - 220:23, 221:3, 222:19</p> <p>LOS [5] - 1:21, 1:24, 2:12, 4:2, 347:5</p> <p>Los [1] - 231:8</p> <p>LOST [1] - 45:19</p> <p>lost [3] - 205:25, 219:4, 341:1</p> <p>loud [1] - 80:4</p> <p>Louisiana [1] - 320:14</p> <p>love [8] - 20:12, 223:20, 226:9, 246:12, 261:1, 295:7, 301:21, 327:12</p> <p>low [2] - 166:10, 166:11</p> <p>lower [11] - 105:18, 112:22, 119:3, 136:12, 138:9, 185:19, 185:20, 195:23, 196:15, 335:20</p> <p>LTD [1] - 185:24</p> <p>Lumber [1] - 129:15</p> <p>lunch [1] - 200:10</p> <p>LUNCH [1] - 200:13</p> <p>luxury [4] - 32:20, 226:17, 232:13, 292:20</p> <p>Luxury [1] - 241:22</p> <p>ly [1] - 49:18</p> | <p>257:24, 259:5</p> <p>magazines [1] - 206:19</p> <p>mail [8] - 219:19, 219:20, 219:22, 220:3, 246:2, 344:18</p> <p>main [1] - 105:23</p> <p>maintain [2] - 218:21, 234:4</p> <p>major [3] - 25:13, 43:15, 77:1</p> <p>majority [4] - 43:15, 57:12, 97:7, 345:11</p> <p>maker [2] - 230:5, 242:10</p> <p>Makers's [4] - 26:22, 88:7, 88:9, 88:10</p> <p>maker's [1] - 37:19</p> <p>makers [2] - 230:8, 250:21</p> <p>makeup [1] - 298:4</p> <p>male [1] - 291:20</p> <p>mall [11] - 105:22, 105:24, 105:25, 106:7, 106:13, 107:2, 107:7, 123:8, 123:11, 131:5, 145:11</p> <p>malls [5] - 105:5, 105:7, 105:9, 105:22, 130:20</p> <p>man [3] - 216:1, 223:15</p> <p>manager [6] - 203:11, 203:24, 203:25, 244:21, 289:22</p> <p>managers [2] - 30:24, 259:2</p> <p>managing [1] - 289:25</p> <p>manger [1] - 246:6</p> <p>Manhattan [1] - 225:21</p> <p>mankind [3] - 295:16, 296:13, 298:8</p> <p>manner [1] - 228:13</p> <p>manual [2] - 219:11, 219:12</p> <p>manufacture [3] - 44:11, 141:24, 233:6</p> <p>manufactured [5] - 104:11, 148:14, 149:17, 185:23, 273:6</p> <p>manufacturer [11] - 41:16, 43:19, 43:23, 90:8, 142:2, 187:16, 190:14, 254:25, 255:7, 256:21, 261:18</p> <p>manufacturers [7] - 43:10, 44:11, 44:20,</p> |
| M | | | | |
| <p>M-A-R-M-O-L [1] - 24:8</p> <p>M.B.A [1] - 95:18</p> <p>ma'am [3] - 151:8, 305:5, 312:2</p> <p>machine [5] - 250:24, 251:17, 251:21, 253:14, 253:15</p> <p>machines [1] - 253:4</p> <p>macro [1] - 31:7</p> <p>mad [2] - 274:21, 275:4</p> <p>Magazine [1] - 259:8</p> <p>magazine [13] - 97:12, 206:19, 209:15, 237:10, 250:2, 250:4, 250:8, 253:19, 253:21, 257:9, 257:10,</p> | | | | |

| | | | | |
|--|--|---|---|---|
| <p>65:20, 141:20, 142:12, 142:18 manufactures [2] - 141:20, 142:18 MARCH [3] - 1:20, 4:2, 347:20 March [8] - 249:20, 261:25, 277:4, 277:17, 278:17, 278:20, 280:16, 281:11 MARELLA [1] - 2:10 Margarita [4] - 72:4, 72:6, 72:7, 226:8 mark [11] - 29:13, 129:18, 263:17, 263:18, 263:19, 279:5, 283:6, 283:7, 283:9, 285:16, 285:22 Mark [5] - 26:22, 37:19, 88:7, 88:9, 88:10 Marked [1] - 285:11 marked [3] - 78:18, 280:23, 284:4 market [35] - 25:2, 25:4, 25:13, 25:16, 34:16, 35:5, 39:16, 43:16, 57:4, 59:6, 61:10, 86:17, 134:10, 135:5, 161:9, 161:13, 162:13, 173:20, 202:7, 242:25, 253:11, 255:25, 258:19, 260:4, 261:17, 262:18, 273:5, 279:18, 327:8, 328:3, 328:5, 328:6, 335:10, 336:7, 338:4 Market [6] - 204:13, 204:17, 204:24, 204:25, 205:4, 205:5 marketed [6] - 151:17, 151:20, 294:1, 294:3, 338:6, 338:7 marketers [1] - 140:11 marketing [46] - 26:7, 26:9, 26:12, 26:15, 27:6, 27:10, 27:12, 27:20, 27:22, 27:24, 28:8, 28:19, 37:4, 44:19, 52:13, 66:8, 85:3, 93:20, 94:1, 94:10, 95:23, 95:24, 96:17, 96:20, 96:23, 96:25, 97:10, 97:14, 136:20, 137:3, 137:13, 172:12,</p> | <p>172:13, 173:25, 174:12, 175:14, 176:11, 185:5, 241:6, 241:10, 296:7, 300:20, 301:14, 323:16, 338:2, 338:12 Marketing [1] - 97:13 marketplace [43] - 33:24, 34:10, 36:2, 39:3, 39:8, 39:10, 41:7, 42:18, 51:8, 76:11, 83:14, 85:14, 89:23, 101:5, 102:23, 102:25, 108:5, 108:7, 121:10, 121:11, 121:14, 121:17, 134:11, 135:7, 139:25, 142:22, 152:25, 153:1, 153:2, 159:17, 167:15, 167:17, 188:3, 188:14, 191:18, 194:6, 194:8, 194:17, 196:19, 254:21, 256:20, 260:15, 288:25 markets [1] - 201:23 Markets [1] - 96:13 Marmol [26] - 23:4, 24:7, 24:11, 24:14, 24:17, 29:2, 35:10, 37:25, 41:4, 42:20, 45:13, 45:17, 48:3, 48:15, 52:2, 58:12, 59:13, 70:7, 72:10, 78:17, 78:21, 79:18, 86:14, 86:15, 87:21, 89:14 MARMOL [2] - 3:3, 23:25 marmol [1] - 23:23 Marmol's [2] - 49:1, 69:18 married [3] - 216:1, 216:3, 216:8 MARSHALL [1] - 1:7 Marshall's [1] - 260:11 Martha [1] - 248:12 Martini [2] - 28:5, 236:13 mash [4] - 233:14, 234:4, 234:7, 234:9 mask [1] - 233:20 master [1] - 95:19 match [1] - 267:4 matched [5] - 264:23, 264:24, 267:5, 271:22 matches [1] - 272:6</p> | <p>matching [1] - 178:20 material [1] - 275:3 materiality [1] - 297:18 materially [2] - 166:10, 166:15 Materials [2] - 55:4, 176:17 materials [14] - 54:5, 54:13, 54:17, 54:21, 55:24, 56:13, 74:2, 74:10, 74:17, 74:19, 82:16, 96:2, 179:6, 182:19 math [2] - 119:12, 120:8 mats [1] - 248:13 matter [23] - 55:16, 59:1, 65:14, 71:5, 95:2, 98:21, 99:6, 101:9, 101:17, 103:2, 120:17, 138:24, 156:3, 168:2, 177:3, 178:2, 234:10, 273:7, 327:25, 328:2, 329:18, 345:3 MATTER [1] - 347:15 matters [4] - 59:14, 99:24, 200:5, 344:3 Max [2] - 296:23, 300:1 max [1] - 198:6 Mayan [2] - 186:12, 228:11 Mayans [3] - 296:1, 297:13, 298:15 McCarthy [2] - 129:9, 129:10 mean [25] - 14:12, 16:9, 32:22, 33:13, 33:20, 34:6, 34:13, 39:13, 111:4, 139:5, 157:21, 177:8, 189:3, 202:8, 207:2, 207:19, 238:10, 247:15, 250:25, 252:11, 257:19, 265:8, 290:25, 327:15, 338:1 meaning [3] - 85:23, 145:2, 212:5 meaningful [2] - 18:16, 18:17 means [11] - 33:22, 34:8, 39:14, 47:7, 94:2, 103:24, 106:1, 134:20, 138:22, 139:5, 141:12 meant [1] - 320:21 measure [43] - 42:24,</p> | <p>42:25, 58:9, 58:11, 95:10, 95:12, 99:24, 111:19, 115:22, 117:9, 119:24, 119:25, 120:1, 120:4, 120:9, 120:10, 120:13, 120:14, 127:11, 127:13, 128:6, 129:17, 129:25, 130:12, 130:16, 132:5, 138:4, 138:22, 138:23, 138:24, 147:9, 147:24, 150:14, 165:5, 169:23, 170:23, 178:25, 185:12, 185:17, 287:4 measured [4] - 115:25, 164:15, 164:17, 286:10 measurement [5] - 172:1, 172:3, 271:23, 287:19, 288:3 measurements [6] - 170:21, 170:24, 271:18, 285:24, 286:6, 286:14 measures [12] - 118:10, 119:19, 120:3, 120:18, 129:4, 129:5, 134:4, 135:1, 138:2, 138:3, 168:22 measuring [8] - 128:1, 128:10, 129:7, 135:17, 135:22, 148:17, 148:19 mechanic [2] - 219:15, 219:17 media [13] - 26:18, 30:21, 224:14, 235:6, 236:24, 237:2, 237:11, 237:14, 240:5, 240:6, 242:20, 246:19, 302:5 medical [3] - 112:1, 112:6 medicinal [3] - 325:10, 325:13, 325:17 medicine [3] - 112:2, 112:3, 112:5 meet [12] - 7:15, 8:13, 12:8, 13:20, 18:21, 21:3, 223:6, 238:19, 238:24, 339:12, 340:14, 343:18 meeting [1] - 236:2 melting [1] - 231:22 member [5] - 78:13,</p> | <p>219:23, 220:5, 222:23, 249:2 members [2] - 214:13, 220:1 memory [6] - 136:3, 262:21, 263:4, 280:9, 280:10, 280:11 Memphis [3] - 220:12, 220:13, 220:17 Mendoza [1] - 248:12 mental [1] - 51:14 mention [3] - 147:6, 149:16, 265:8 mentioned [23] - 26:24, 34:5, 63:19, 82:8, 97:1, 102:21, 105:22, 108:13, 127:19, 128:16, 128:23, 142:9, 142:11, 146:6, 149:9, 149:11, 149:13, 151:18, 221:3, 227:11, 233:12, 252:21, 283:7 merchandise [1] - 202:16 merely [1] - 328:7 MERY [1] - 2:5 Mesoamerican [3] - 303:24, 305:11, 305:15 messages [1] - 94:22 met [3] - 144:22, 223:10, 233:14 methodology [3] - 175:15, 175:22, 176:5 methods [4] - 59:16, 128:2, 128:11 Metropolitan [2] - 224:25, 225:3 Mexican [2] - 83:4, 274:11 Mexico [10] - 149:17, 189:9, 208:15, 273:9, 273:16, 273:21, 274:5, 296:20, 304:2, 332:8 Miami [2] - 24:18, 238:3 Michael [1] - 23:3 MICHAEL [1] - 2:8 Michaels [4] - 220:23, 221:3, 221:8, 222:19 Microsoft [1] - 177:5 mid [1] - 166:13 mid-teens [1] -</p> |
|--|--|---|---|---|

| | | | | |
|---|--|---|---|--|
| <p>166:13 middle [2] - 131:20, 297:10 might [50] - 12:21, 36:13, 44:15, 47:3, 54:1, 62:16, 64:25, 72:6, 85:17, 87:3, 87:9, 101:4, 101:10, 103:3, 103:4, 103:13, 104:11, 104:12, 106:9, 112:2, 115:15, 139:7, 139:9, 139:10, 139:11, 139:12, 151:3, 153:6, 153:11, 158:12, 158:18, 159:2, 163:22, 167:19, 169:13, 190:11, 190:22, 193:19, 194:10, 247:10, 252:7, 268:10, 269:9, 273:8, 273:20, 275:1, 305:21, 308:9, 345:5 Mike [1] - 259:22 Miller [6] - 5:1, 12:15, 12:16, 21:2, 22:9, 330:20 MILLER [13] - 2:18, 2:18, 4:25, 12:17, 20:17, 20:24, 22:13, 330:24, 331:2, 332:1, 332:2, 332:10, 341:6 miller [1] - 330:23 miller's [1] - 20:16 million [9] - 27:23, 28:16, 88:1, 231:25, 245:3, 245:4, 245:13, 247:18, 326:2 mimics [1] - 168:18 mind [22] - 6:10, 16:13, 16:17, 18:21, 18:23, 21:8, 73:8, 102:2, 102:10, 102:14, 103:8, 128:25, 129:1, 129:3, 135:19, 139:21, 140:2, 169:1, 227:9, 233:21, 249:5, 337:20 minds [3] - 14:23, 130:8, 217:8 mine [3] - 29:17, 189:13, 190:3 mines [1] - 322:3 mini [2] - 257:6, 296:22 miniature [1] - 194:6 minor [2] - 15:22, 218:4 minute [5] - 16:10, 20:20, 102:7, 141:25,</p> | <p>245:24 minutes [33] - 8:1, 12:22, 13:1, 20:10, 20:13, 20:18, 20:25, 21:1, 21:12, 22:4, 91:23, 92:3, 92:13, 184:6, 197:12, 198:6, 198:8, 200:4, 200:10, 218:11, 227:15, 328:16, 330:14, 341:2, 341:16, 341:18, 342:5, 342:7, 342:10, 342:11, 342:25, 343:9, 343:10 misconstrued [1] - 58:8 misimpression [1] - 54:9 mislabeled [1] - 183:7 misreading [1] - 308:10 miss [2] - 12:6, 186:8 missing [2] - 295:17, 296:14 mission [1] - 240:8 misstatement [1] - 286:20 mistake [2] - 326:21, 326:22 Mitchell [10] - 226:6, 227:19, 282:3, 296:16, 297:2, 298:22, 298:23, 299:17, 299:20, 300:3 mix [3] - 26:15, 37:4, 85:3 mixed [1] - 236:19 mixer [1] - 67:23 MMR [7] - 93:21, 93:22, 93:25, 97:2, 172:16, 172:19, 172:24 mobile [1] - 237:23 model [5] - 14:5, 14:6, 14:18, 230:16, 230:24 modeling [1] - 230:23 modern [1] - 9:13 mold [14] - 230:25, 231:1, 231:4, 231:13, 231:14, 266:1, 266:19, 266:21, 266:24, 279:23, 331:18, 336:10 molding [5] - 307:11, 307:13, 308:4, 308:22, 331:16 Molotov [1] - 232:1</p> | <p>moly [2] - 327:10, 327:12 mom's [1] - 217:5 moment [13] - 20:6, 21:13, 49:6, 80:14, 88:20, 163:25, 234:6, 238:24, 254:8, 268:24, 274:14, 326:14, 328:13 money [10] - 91:3, 191:16, 202:19, 244:24, 244:25, 245:7, 245:9, 247:12, 253:16, 272:18 monkey [4] - 275:8, 310:21, 311:14, 312:7 month [6] - 140:16, 148:7, 148:9, 148:10, 177:12, 237:21 months [8] - 25:14, 107:13, 107:14, 125:8, 140:20, 158:18, 159:3, 243:18 mood [1] - 67:23 MOORE [1] - 2:14 Morgan [2] - 67:18, 67:25 morning [41] - 4:12, 4:13, 4:14, 4:16, 4:17, 4:19, 4:20, 4:24, 4:25, 5:2, 5:21, 6:9, 7:22, 8:13, 8:17, 8:21, 9:6, 9:15, 10:4, 11:25, 17:24, 18:4, 24:11, 24:12, 24:14, 45:25, 48:3, 128:4, 144:19, 144:20, 237:4, 237:7, 338:16, 338:20, 340:8, 340:14, 340:23, 342:1, 343:19, 344:24, 345:23 Moscow [1] - 241:23 most [15] - 10:8, 37:3, 78:2, 102:9, 109:12, 115:14, 122:23, 133:3, 145:2, 167:23, 193:24, 193:25, 232:23, 300:7, 330:14 Most [1] - 293:2 mother [1] - 215:5 motif [1] - 167:19 motion [3] - 10:17, 10:18, 224:12 motions [2] - 13:16, 345:19 motor [1] - 327:16 Motor [1] - 242:22 motorcycle [1] -</p> | <p>334:18 mouth [5] - 272:14, 272:20, 316:7, 316:13, 317:7 move [8] - 39:16, 105:1, 121:19, 122:17, 151:10, 168:7, 184:2, 322:4 moved [1] - 163:18 movement [1] - 38:25 moves [1] - 235:14 movie [4] - 244:7, 244:15, 244:17, 275:16 movies [1] - 244:22 moving [3] - 33:19, 223:5, 270:3 MR [296] - 4:14, 4:20, 4:25, 5:21, 6:15, 6:24, 8:1, 8:5, 8:15, 9:8, 9:12, 10:4, 10:12, 10:15, 11:5, 11:6, 12:13, 12:17, 12:20, 13:4, 13:9, 13:10, 13:25, 14:1, 14:11, 15:1, 15:7, 15:16, 15:19, 16:9, 16:12, 17:17, 17:21, 18:25, 19:9, 19:17, 19:22, 20:2, 20:9, 20:12, 20:15, 20:17, 20:23, 20:24, 21:13, 21:17, 21:22, 22:3, 22:6, 22:13, 22:17, 23:2, 23:21, 24:10, 45:13, 45:17, 48:2, 48:25, 49:5, 49:9, 50:20, 51:6, 52:1, 59:12, 69:24, 69:25, 70:2, 70:6, 73:10, 73:16, 78:16, 78:17, 78:20, 79:1, 79:5, 79:7, 79:9, 79:13, 79:17, 79:25, 81:4, 86:8, 86:11, 86:13, 87:8, 88:19, 88:22, 89:1, 89:6, 89:11, 89:13, 90:10, 90:12, 91:6, 91:8, 91:10, 91:19, 91:24, 92:11, 92:16, 92:23, 92:24, 93:11, 93:13, 105:3, 105:21, 123:21, 123:25, 124:5, 144:11, 144:16, 144:18, 151:9, 154:16, 164:2, 165:19, 170:3, 174:8, 175:16, 175:24, 177:16, 177:18,</p> | <p>177:20, 177:24, 178:3, 178:6, 182:16, 182:18, 183:12, 184:1, 184:6, 184:9, 192:10, 192:14, 196:21, 196:23, 196:25, 197:24, 198:8, 198:10, 198:18, 198:22, 198:25, 199:7, 199:22, 199:24, 200:12, 208:8, 211:23, 214:8, 214:12, 215:1, 215:19, 250:14, 250:15, 252:1, 252:6, 254:3, 254:4, 254:7, 254:10, 257:12, 257:14, 262:6, 262:11, 263:8, 263:11, 263:14, 263:16, 263:25, 264:1, 264:17, 264:18, 266:8, 266:11, 266:15, 269:1, 269:4, 269:20, 274:3, 274:4, 274:9, 274:13, 274:16, 275:25, 276:18, 276:21, 276:25, 277:21, 277:23, 280:19, 280:23, 281:3, 281:19, 284:6, 284:10, 284:14, 284:16, 285:6, 285:23, 286:19, 286:22, 287:15, 287:18, 291:4, 291:5, 293:5, 293:12, 297:17, 297:21, 304:5, 304:8, 304:9, 304:11, 304:17, 304:22, 304:24, 305:1, 305:2, 305:4, 305:7, 305:14, 306:6, 306:9, 306:11, 306:17, 307:16, 307:21, 307:23, 307:25, 308:9, 308:15, 308:18, 309:2, 310:2, 310:8, 311:16, 311:21, 311:23, 312:2, 312:5, 313:2, 313:5, 313:10, 313:18, 324:1, 324:9, 324:11, 324:15, 328:16, 328:18, 330:10, 330:14, 330:24, 331:2, 332:1, 332:2, 332:10, 332:14, 332:17,</p> |
|---|--|---|---|--|

| | | | | |
|---|--|---|--|--|
| <p>332:20, 333:22, 333:23, 334:23, 335:2, 335:19, 335:21, 336:17, 336:19, 338:13, 339:5, 339:18, 339:21, 340:11, 340:15, 340:21, 341:1, 341:6, 341:8, 341:10, 341:18, 342:2, 342:9, 342:14, 342:17, 342:20, 342:24, 343:5, 343:8, 343:25, 344:2, 344:23, 345:2, 345:3, 345:7, 345:18</p> <p>MS [23] - 4:10, 4:13, 4:17, 15:21, 16:5, 49:6, 49:14, 69:23, 197:25, 198:5, 200:16, 201:4, 208:4, 211:25, 212:14, 212:16, 214:3, 214:6, 341:21, 341:25, 343:13, 344:14, 345:8</p> <p>multiple [6] - 33:8, 44:24, 140:19, 220:6, 259:1</p> <p>Museum [6] - 224:23, 224:24, 224:25, 225:1, 225:4, 299:24</p> <p>museums [2] - 224:19, 224:21</p> <p>Musicians [1] - 220:12</p> <p>must [6] - 41:17, 47:2, 47:8, 225:4</p> <p>mutual [1] - 223:11</p> <p>mysterious [1] - 323:3</p> <p>mystical [1] - 295:9</p> <p>myth [1] - 297:8</p> <p>N</p> <p>name [41] - 24:5, 24:14, 33:16, 34:13, 62:9, 93:7, 93:8, 93:9, 93:16, 99:10, 99:13, 99:14, 116:20, 131:2, 131:15, 131:17, 132:2, 133:18, 134:1, 134:19, 134:20, 134:22, 134:25, 135:9, 135:12, 135:20, 135:23, 135:24, 135:25, 138:5, 144:21, 167:9, 200:24, 201:9, 202:6,</p> | <p>212:25, 214:21, 220:15</p> <p>named [4] - 142:4, 295:1, 295:3, 296:23</p> <p>namely [3] - 137:15, 263:13, 278:14</p> <p>names [8] - 43:17, 99:15, 99:18, 99:21, 132:8, 132:10, 259:19, 342:3</p> <p>Napa [1] - 240:10</p> <p>naps [1] - 10:17</p> <p>narrative [1] - 154:18</p> <p>narrow [1] - 120:19</p> <p>narrower [1] - 313:19</p> <p>NATHAN [1] - 2:16</p> <p>Nathan [1] - 4:22</p> <p>National [2] - 219:1, 219:6</p> <p>nativist [1] - 298:18</p> <p>natural [2] - 210:25, 211:21</p> <p>naturally [1] - 254:16</p> <p>nature [1] - 78:4</p> <p>Navajo [4] - 228:11, 296:1, 297:13, 298:15</p> <p>navigated [1] - 42:21</p> <p>near [13] - 38:6, 101:4, 114:11, 114:22, 115:12, 130:7, 254:17, 254:18, 254:20, 270:8, 286:8, 336:15</p> <p>nearly [5] - 140:13, 141:1, 141:5, 165:9, 315:19</p> <p>neat [5] - 32:21, 248:14, 326:7, 326:9, 326:10</p> <p>necessarily [1] - 212:4</p> <p>necessary [2] - 171:18, 215:2</p> <p>necessity [2] - 10:16, 160:4</p> <p>neck [6] - 110:16, 112:17, 160:21, 167:9, 189:3, 189:4</p> <p>need [33] - 5:5, 5:20, 6:12, 8:1, 8:22, 8:24, 10:18, 11:2, 11:19, 18:8, 19:14, 20:17, 21:3, 21:11, 21:14, 21:21, 22:11, 22:16, 67:12, 119:11, 136:6, 152:21, 193:14, 193:15, 194:2, 197:10, 230:25, 231:1, 231:2, 272:20,</p> | <p>330:18, 339:13, 343:23</p> <p>needed [2] - 10:21, 231:21</p> <p>needs [7] - 9:4, 34:5, 212:3, 269:1, 340:18, 342:15, 345:1</p> <p>neglect [1] - 189:16</p> <p>NESSIM [1] - 2:10</p> <p>net [9] - 119:13, 120:3, 120:12, 120:13, 120:14, 164:16, 195:24, 196:9, 196:16</p> <p>network [1] - 44:24</p> <p>Networks [2] - 176:19, 177:5</p> <p>never [25] - 16:1, 19:19, 53:15, 54:3, 56:6, 62:21, 63:1, 79:7, 119:7, 119:8, 132:11, 135:16, 172:11, 232:24, 249:9, 280:1, 305:16, 305:18, 307:3, 323:23, 324:5, 324:6, 324:8, 324:21, 324:24</p> <p>new [26] - 25:18, 33:11, 34:11, 34:25, 35:8, 41:7, 41:9, 51:15, 56:25, 57:4, 64:25, 143:16, 147:2, 147:19, 205:15, 207:1, 225:14, 225:18, 226:20, 235:5, 242:24, 259:9, 259:16, 272:3, 301:2</p> <p>New [7] - 11:13, 76:12, 238:3, 320:9, 320:10, 322:1, 323:2</p> <p>NEW [2] - 2:9, 2:17</p> <p>Newfoundland [7] - 232:20, 232:21, 233:2, 233:4, 253:3, 258:3, 322:14</p> <p>Newman [1] - 296:24</p> <p>Newman's [1] - 300:1</p> <p>newspaper [1] - 237:10</p> <p>next [50] - 19:9, 23:1, 23:4, 41:4, 41:6, 48:19, 80:19, 90:22, 90:24, 92:15, 103:1, 107:13, 107:14, 108:10, 109:13, 109:25, 110:1, 110:5, 115:20, 117:10, 120:2, 120:7, 121:20, 130:13, 130:15,</p> | <p>140:8, 148:7, 158:18, 159:3, 162:18, 163:5, 163:6, 181:19, 181:20, 182:4, 200:15, 206:16, 214:11, 238:23, 262:25, 266:3, 269:9, 270:11, 270:21, 292:15, 323:23, 328:10, 333:21, 333:22, 341:4</p> <p>NFL [2] - 104:9, 104:11</p> <p>nice [4] - 134:9, 234:22, 299:2, 328:10</p> <p>niche [1] - 294:18</p> <p>nickname [4] - 134:20, 134:25, 135:9, 138:5</p> <p>Nickname [1] - 134:21</p> <p>night [5] - 15:2, 187:8, 225:10, 235:25, 236:7</p> <p>Night [4] - 221:4, 222:12, 222:16, 222:20</p> <p>nightclub [1] - 202:8</p> <p>Nightclub [1] - 249:22</p> <p>nightclubs [1] - 201:24</p> <p>Nike [2] - 329:14, 329:23</p> <p>nine [1] - 192:23</p> <p>Ninth [1] - 14:6</p> <p>no-additive [2] - 236:15, 294:5</p> <p>nobody [1] - 149:9</p> <p>non [2] - 158:9, 195:8</p> <p>non-premium [1] - 158:9</p> <p>non-zero [1] - 195:8</p> <p>none [2] - 89:24, 116:6</p> <p>nonphysical [1] - 103:19</p> <p>nonresponsive [1] - 88:23</p> <p>noon [2] - 237:8, 338:18</p> <p>normally [3] - 120:25, 127:25, 131:22</p> <p>north [1] - 64:9</p> <p>NORTH [1] - 1:24</p> <p>Northeast [1] - 239:25</p> <p>northern [1] - 215:18</p> | <p>Northwestern [1] - 95:18</p> <p>nose [9] - 271:1, 271:2, 317:4, 317:7, 317:11, 317:13, 317:14, 317:19</p> <p>nostalgia [1] - 264:21</p> <p>Notarius [1] - 259:24</p> <p>note [2] - 51:14, 258:21</p> <p>notes [4] - 241:16, 242:1, 242:7, 242:9</p> <p>nothing [3] - 5:8, 81:13, 323:14</p> <p>notice [13] - 110:16, 112:16, 112:19, 112:20, 112:23, 131:14, 132:2, 266:6, 285:2, 307:25, 308:8, 308:18, 309:1</p> <p>noticed [4] - 264:9, 264:14, 271:21, 280:6</p> <p>notion [1] - 225:11</p> <p>novelty [5] - 62:7, 62:20, 87:22, 87:25, 88:2</p> <p>November [1] - 69:18</p> <p>NUMBER [1] - 3:6</p> <p>number [36] - 18:13, 18:17, 34:16, 42:17, 42:19, 64:6, 71:15, 78:12, 95:3, 122:7, 123:23, 136:11, 138:6, 138:7, 138:8, 138:13, 143:2, 143:3, 145:14, 146:25, 154:3, 155:21, 166:3, 166:6, 166:10, 166:12, 166:22, 167:18, 179:9, 182:15, 186:25, 193:22, 195:24, 196:16, 262:25</p> <p>numbered [1] - 154:1</p> <p>numbers [21] - 19:2, 19:4, 34:20, 35:25, 119:13, 120:22, 134:13, 135:4, 165:21, 166:23, 166:24, 192:4, 193:20, 195:9, 195:10, 195:12, 195:19, 196:16, 259:17</p> <p>numerous [1] - 41:22</p> <p>NY [2] - 2:9, 2:17</p> |
|---|--|---|--|--|

| O | | | | |
|--|--|---|---|--|
| <p>o'clock [7] - 11:15, 199:12, 200:3, 338:16, 338:20, 343:17, 343:19</p> <p>O'Hara [2] - 222:6, 222:14</p> <p>oath [4] - 24:2, 49:22, 92:19, 93:4</p> <p>object [10] - 46:19, 47:15, 50:20, 79:5, 266:8, 274:9, 275:3, 297:18, 313:6, 343:18</p> <p>objection [40] - 15:25, 46:22, 46:24, 47:1, 47:16, 47:19, 49:12, 69:22, 69:25, 79:6, 88:19, 88:21, 88:24, 91:9, 175:16, 177:16, 177:19, 178:5, 196:24, 196:25, 214:7, 214:8, 255:25, 256:2, 257:1, 266:10, 284:12, 286:19, 286:21, 293:6, 297:19, 304:17, 304:19, 304:24, 305:3, 306:9, 307:23, 312:4, 324:11, 327:3</p> <p>Objection [3] - 89:11, 90:10, 311:23</p> <p>objectionable [1] - 168:2</p> <p>objections [4] - 5:13, 14:14, 17:7, 342:16</p> <p>objects [1] - 299:3</p> <p>obliterating [1] - 278:17</p> <p>observation [1] - 279:24</p> <p>observed [2] - 224:8, 275:18</p> <p>obtain [1] - 218:16</p> <p>obvious [6] - 130:14, 250:18, 268:6, 272:9, 286:12, 317:25</p> <p>obviously [11] - 43:24, 44:6, 116:20, 134:15, 245:21, 266:1, 272:13, 273:3, 281:17, 283:12, 345:12</p> <p>occasion [7] - 28:9, 33:2, 33:8, 67:12, 67:23, 72:4, 72:8</p> <p>occasionally [1] - 19:3</p> | <p>occupation [2] - 107:20, 201:12</p> <p>occur [1] - 72:9</p> <p>occurred [3] - 88:17, 173:25, 271:16</p> <p>October [5] - 49:1, 49:5, 50:1, 237:21, 264:3</p> <p>odorless [4] - 65:17, 66:11, 66:14, 66:22</p> <p>OF [13] - 1:1, 1:3, 1:19, 2:2, 2:3, 2:13, 347:3, 347:5, 347:7, 347:11, 347:13, 347:16, 347:17</p> <p>offer [5] - 84:2, 176:23, 183:14, 184:18, 284:13</p> <p>offered [3] - 17:2, 84:5, 178:1</p> <p>offering [5] - 79:11, 266:12, 284:13, 284:14, 339:1</p> <p>offers [1] - 46:17</p> <p>offhand [1] - 310:20</p> <p>office [4] - 221:25, 246:3, 249:11, 283:23</p> <p>officer [10] - 27:7, 27:10, 27:20, 28:8, 28:19, 52:13, 201:13, 202:15, 203:10, 204:3</p> <p>offices [1] - 333:4</p> <p>OFFICES [1] - 2:18</p> <p>OFFICIAL [3] - 1:23, 347:9, 347:24</p> <p>offshoot [1] - 221:21</p> <p>often [6] - 118:23, 141:18, 151:17, 238:18, 259:14, 322:4</p> <p>oftentimes [1] - 171:8</p> <p>oil [1] - 327:16</p> <p>oils [4] - 233:12, 233:19, 233:20, 234:1</p> <p>old [9] - 107:11, 125:5, 216:25, 219:2, 232:17, 235:22, 269:11, 301:2, 325:15</p> <p>older [1] - 125:5</p> <p>oldest [1] - 140:17</p> <p>Olives [1] - 43:25</p> <p>ON [2] - 2:3, 2:13</p> <p>on-premise [1] - 27:15</p> <p>onboard [1] - 203:7</p> <p>once [29] - 17:1, 17:19, 18:6, 18:18, 42:2, 42:14, 45:7, 51:13, 58:7, 58:9, 77:15, 118:5, 122:21,</p> | <p>124:6, 126:13, 131:4, 131:23, 133:2, 135:4, 139:4, 143:21, 177:24, 239:22, 241:11, 256:10, 262:16, 282:4, 283:1, 341:3</p> <p>One [5] - 43:22, 71:23, 72:3, 72:7, 84:11</p> <p>one [228] - 6:17, 11:12, 14:1, 14:5, 15:23, 17:4, 17:13, 19:19, 20:20, 21:8, 22:8, 28:20, 32:5, 33:2, 35:22, 37:3, 38:1, 38:3, 38:4, 38:20, 43:4, 43:7, 44:19, 50:5, 55:9, 56:16, 59:13, 60:14, 60:22, 61:13, 62:12, 63:4, 65:21, 68:15, 73:10, 75:20, 77:10, 78:2, 81:22, 82:10, 84:5, 84:6, 84:14, 85:2, 88:7, 94:10, 94:25, 96:12, 97:11, 99:12, 99:16, 100:9, 100:23, 101:7, 103:4, 103:18, 103:23, 103:24, 104:5, 104:21, 107:17, 107:24, 110:17, 110:25, 111:2, 112:3, 112:15, 113:10, 113:16, 113:17, 113:18, 114:3, 115:19, 115:21, 116:3, 116:10, 116:18, 116:22, 117:8, 117:17, 117:20, 118:13, 118:15, 118:17, 119:21, 119:22, 120:15, 121:20, 121:21, 124:17, 127:18, 128:6, 128:15, 128:17, 129:1, 133:6, 133:7, 133:8, 135:5, 137:19, 139:9, 139:18, 140:23, 142:7, 143:5, 146:9, 146:13, 152:2, 153:8, 156:25, 157:4, 157:14, 160:7, 163:14, 164:25, 165:10, 168:10, 169:21, 170:19, 170:25, 172:23, 172:24, 175:22, 175:25, 176:1, 176:3,</p> | <p>176:6, 176:7, 177:14, 178:11, 178:15, 179:10, 179:24, 180:13, 181:19, 182:6, 182:9, 183:14, 187:9, 188:15, 189:22, 191:21, 192:17, 192:19, 192:22, 198:3, 206:14, 206:20, 213:12, 213:15, 213:18, 213:19, 219:25, 221:20, 224:15, 225:6, 227:19, 230:15, 243:2, 255:16, 255:19, 257:3, 260:24, 265:23, 265:25, 266:20, 266:21, 267:2, 269:17, 269:18, 270:1, 270:4, 270:7, 270:15, 270:16, 270:17, 270:18, 270:19, 271:2, 271:3, 273:7, 274:17, 275:7, 282:1, 282:5, 285:4, 287:13, 290:4, 290:7, 296:4, 296:7, 296:17, 296:21, 296:23, 299:22, 299:23, 299:24, 300:1, 300:2, 300:3, 303:23, 305:11, 309:11, 309:13, 315:3, 317:5, 321:17, 321:22, 322:8, 322:12, 326:15, 326:17, 333:6, 333:8, 336:13, 337:18, 339:22, 343:18, 344:16, 345:8</p> <p>one's [1] - 326:13</p> <p>one-third [1] - 143:5</p> <p>ones [7] - 59:2, 59:3, 63:18, 74:3, 153:14, 185:20, 252:19</p> <p>online [1] - 137:11</p> <p>Ontario [4] - 215:9, 217:18, 229:4, 234:13</p> <p>opaque [1] - 271:9</p> <p>open [6] - 227:24, 292:16, 292:17, 316:8, 316:9, 316:12</p> <p>opened [3] - 238:9, 240:17, 240:22</p> <p>opening [1] - 237:19</p> <p>operating [1] - 204:2</p> <p>operations [1] - 203:11</p> <p>operator [2] -</p> | <p>203:20, 231:7</p> <p>operators [3] - 259:1, 274:23</p> <p>opine [2] - 36:20, 43:9</p> <p>opining [1] - 72:25</p> <p>opinion [58] - 29:19, 31:6, 31:11, 31:13, 31:16, 35:11, 35:14, 35:19, 36:23, 36:25, 37:25, 41:5, 41:8, 42:20, 43:1, 43:12, 43:14, 43:15, 44:1, 44:2, 46:5, 46:6, 46:10, 63:21, 64:14, 66:21, 70:25, 74:11, 75:6, 75:10, 85:12, 85:13, 85:25, 87:21, 98:9, 98:11, 98:13, 98:15, 98:16, 98:18, 98:19, 99:1, 99:6, 116:9, 120:21, 126:25, 143:22, 144:1, 144:4, 144:5, 176:23, 176:25, 177:4, 177:7, 179:8, 192:2, 266:12, 279:21</p> <p>opinions [19] - 29:5, 29:7, 29:8, 29:20, 29:24, 30:7, 30:14, 31:4, 45:23, 45:25, 46:5, 54:6, 59:13, 63:4, 67:7, 73:3, 75:11, 97:23</p> <p>opium [1] - 325:14</p> <p>opportunities [2] - 25:16, 39:17</p> <p>opportunity [17] - 6:2, 6:5, 17:6, 19:25, 33:25, 47:18, 118:5, 124:12, 124:23, 126:6, 126:14, 169:5, 173:17, 191:5, 293:11, 326:14, 326:20</p> <p>opposed [4] - 36:13, 134:19, 143:18, 145:20</p> <p>opposite [3] - 141:3, 174:4, 186:5</p> <p>oral [3] - 6:5, 6:6, 339:23</p> <p>Orange [2] - 240:11, 240:12</p> <p>orange [2] - 299:23, 300:2</p> <p>orbit [3] - 270:14, 270:15, 270:19</p> <p>order [24] - 7:21, 11:19, 30:11, 39:10,</p> |

| | | | | |
|---|---|---|---|--|
| <p>41:24, 47:4, 98:25, 101:13, 102:4, 106:9, 106:23, 125:1, 128:16, 130:6, 130:9, 133:23, 137:5, 139:1, 161:1, 193:15, 230:25, 243:12, 265:1</p> <p>ordered [1] - 47:20</p> <p>ordering [1] - 72:5</p> <p>orders [3] - 202:3, 243:22</p> <p>organic [1] - 25:12</p> <p>organization [2] - 27:21, 28:6</p> <p>organizational [1] - 96:1</p> <p>organized [1] - 340:1</p> <p>origin [1] - 260:16</p> <p>original [21] - 89:24, 99:19, 195:2, 195:13, 228:25, 261:4, 262:18, 264:22, 265:4, 265:13, 265:14, 265:15, 288:1, 288:24, 316:4, 316:5, 337:24, 340:14, 344:18</p> <p>Original [1] - 28:4</p> <p>originality [1] - 224:11</p> <p>originally [4] - 95:16, 261:6, 279:10, 310:9</p> <p>originated [1] - 281:23</p> <p>originating [1] - 281:22</p> <p>Orlando [1] - 38:19</p> <p>Orleans [3] - 238:3, 320:9, 320:10</p> <p>otherwise [3] - 112:14, 158:6, 272:6</p> <p>Otis [1] - 220:16</p> <p>Ottawa [5] - 215:9, 217:17, 217:18, 218:6, 218:7</p> <p>ourselves [1] - 258:4</p> <p>outlandish [1] - 155:16</p> <p>output [2] - 165:6, 275:23</p> <p>outside [4] - 4:23, 5:3, 151:13, 160:10</p> <p>outstanding [2] - 304:15, 340:18</p> <p>over-sucrose [1] - 228:2</p> <p>overall [4] - 27:17, 162:15, 268:3, 320:21</p> <p>overlap [3] - 141:10, 141:25, 142:1</p> | <p>overridden [1] - 251:22</p> <p>overrule [2] - 46:22, 178:4</p> <p>overruled [5] - 8:8, 175:20, 266:14, 274:10, 297:20</p> <p>overseas [1] - 25:3</p> <p>own [12] - 25:11, 28:16, 30:19, 87:15, 102:1, 128:25, 168:12, 227:3, 244:24, 248:8, 276:21, 301:14</p> <p>owned [7] - 115:1, 115:4, 233:3, 289:17, 296:23, 299:23</p> <p>owner [1] - 248:4</p> <p>owners [2] - 259:1, 296:15</p> <p>owns [2] - 226:5, 226:6</p> | <p>185:11, 185:13, 186:19, 254:2, 254:7, 257:12, 267:7, 291:14, 292:15, 292:19, 293:4, 293:8, 293:13, 293:16, 304:9, 307:17, 311:17, 311:18, 313:3, 333:12, 333:15, 333:21, 333:22</p> <p>pages [4] - 113:24, 180:4, 180:15, 183:10</p> <p>paid [4] - 53:5, 91:4, 246:17, 247:7</p> <p>paint [9] - 87:10, 161:6, 161:18, 289:5, 289:9, 289:14, 307:12, 337:2, 337:3</p> <p>painted [19] - 86:25, 161:8, 161:14, 162:20, 167:8, 186:7, 213:18, 272:16, 272:20, 288:20, 288:22, 288:23, 289:2, 308:6, 308:24, 316:14, 316:15, 318:3, 337:7</p> <p>painters [1] - 224:16</p> <p>painting [4] - 224:12, 307:11, 308:4, 308:22</p> <p>pal [1] - 259:23</p> <p>Palisades [1] - 215:22</p> <p>paper [5] - 8:8, 227:17, 252:8, 285:2, 341:1</p> <p>paperless [1] - 37:13</p> <p>paradigm [1] - 66:10</p> <p>paragraph [3] - 254:8, 254:9, 281:5</p> <p>parallel [2] - 117:14, 229:10</p> <p>Parallel [3] - 176:17, 176:19, 177:5</p> <p>pardon [2] - 261:23, 297:17</p> <p>parenthetically [1] - 248:16</p> <p>parents [1] - 217:4</p> <p>PARK [1] - 2:11</p> <p>Parker's [1] - 242:2</p> <p>part [43] - 15:10, 25:5, 25:17, 41:15, 44:7, 44:10, 51:3, 78:6, 82:12, 82:18, 83:10, 85:17, 98:7, 143:13, 147:20, 147:21, 151:15, 159:19, 180:3,</p> | <p>182:20, 183:6, 202:18, 222:18, 241:6, 244:21, 254:15, 260:13, 279:5, 285:10, 285:13, 286:10, 288:3, 288:9, 288:10, 292:13, 295:4, 298:3, 300:11, 300:14, 303:15, 317:7, 334:5</p> <p>participant [3] - 113:17, 115:19, 124:7</p> <p>participants [32] - 109:24, 113:8, 121:23, 124:25, 125:15, 132:23, 143:3, 143:6, 148:1, 148:11, 149:7, 152:5, 152:22, 153:15, 153:21, 153:25, 154:17, 156:13, 156:16, 158:1, 159:2, 159:6, 160:9, 163:17, 164:7, 164:24, 166:4, 166:6, 170:20, 194:10, 194:14, 194:24</p> <p>participate [2] - 108:9, 108:11</p> <p>participated [2] - 145:7, 153:15</p> <p>particular [24] - 16:13, 16:16, 17:10, 51:23, 62:17, 86:22, 94:13, 99:4, 99:20, 100:9, 104:22, 106:3, 118:14, 125:9, 132:6, 137:9, 150:7, 158:21, 164:24, 230:16, 264:10, 265:22, 266:6, 280:2</p> <p>particularly [4] - 88:4, 166:22, 195:9, 280:6</p> <p>parties [9] - 7:2, 7:3, 7:15, 13:19, 16:19, 95:1, 95:2, 95:6, 175:6</p> <p>partner [6] - 24:15, 25:21, 25:22, 245:21, 245:22, 246:8</p> <p>partners [7] - 245:19, 245:20, 247:1, 247:19, 247:20, 248:21, 267:19</p> <p>partnership [1] - 26:2</p> <p>parts [2] - 37:3, 323:1</p> | <p>party [1] - 49:23</p> <p>pass [7] - 45:15, 86:8, 144:11, 169:9, 208:4, 275:25, 338:13</p> <p>past [9] - 36:13, 40:24, 68:12, 71:3, 170:6, 199:12, 239:9, 243:24, 269:11</p> <p>Patrick's [1] - 218:6</p> <p>Patron [24] - 110:9, 114:7, 114:18, 114:19, 142:7, 142:8, 157:1, 157:4, 184:14, 187:22, 188:5, 225:14, 226:1, 226:6, 226:9, 226:16, 227:1, 227:4, 227:6, 245:22, 246:3, 260:25, 324:14</p> <p>Patrón [1] - 225:19</p> <p>pattern [2] - 264:23, 264:24</p> <p>Paul [4] - 226:1, 226:3, 226:5, 226:6</p> <p>PAUSE [4] - 50:25, 274:15, 276:5, 313:8</p> <p>pay [3] - 65:4, 202:18, 244:20</p> <p>paying [2] - 111:12, 155:15</p> <p>payment [1] - 247:5</p> <p>peaches [2] - 234:5, 234:8</p> <p>peer [2] - 97:13, 97:17</p> <p>peer-reviewed [1] - 97:17</p> <p>penalty [2] - 212:10, 212:11</p> <p>Penitentiary [1] - 219:10</p> <p>Penn [1] - 96:13</p> <p>people [110] - 32:23, 62:6, 62:13, 62:19, 62:24, 63:1, 71:16, 71:19, 72:11, 100:10, 100:16, 100:24, 102:10, 105:11, 105:24, 107:7, 107:25, 108:2, 108:3, 108:4, 111:10, 111:15, 112:3, 112:4, 114:9, 118:12, 118:20, 122:3, 122:6, 122:15, 123:7, 123:15, 124:20, 125:13, 127:17, 131:4, 131:17, 132:11, 135:7, 135:11, 135:21, 145:7, 149:20,</p> |
| P | | | | |
| <p>P.C [1] - 2:10</p> <p>Pacific [1] - 215:22</p> <p>package [8] - 60:5, 60:22, 62:14, 234:22, 283:13, 336:7, 338:5</p> <p>packages [1] - 94:19</p> <p>packaging [36] - 26:16, 27:14, 33:16, 34:14, 36:21, 37:3, 37:5, 37:11, 37:13, 37:24, 37:25, 38:5, 39:5, 40:15, 40:16, 59:14, 59:16, 59:20, 59:22, 60:2, 60:11, 60:16, 60:19, 60:25, 61:6, 61:7, 61:19, 61:23, 62:1, 62:3, 62:7, 62:12, 84:22, 88:12, 89:15, 294:25</p> <p>packagings [1] - 61:10</p> <p>Packard [1] - 297:2</p> <p>packet [1] - 15:13</p> <p>PAGE [2] - 3:6, 347:15</p> <p>page [50] - 49:2, 49:9, 51:4, 51:5, 55:1, 69:19, 79:18, 79:20, 79:22, 79:23, 180:13, 180:17, 180:19, 180:22, 180:25, 181:14, 181:18, 181:20, 182:4, 183:6, 183:12, 184:11,</p> | | | | |

| | | | | |
|---|---|---|---|---|
| <p>149:25, 150:18, 151:2, 151:12, 151:21, 153:3, 153:4, 153:9, 154:21, 154:22, 154:23, 155:18, 155:25, 156:2, 156:14, 158:16, 164:19, 164:23, 165:10, 165:13, 166:20, 168:8, 171:2, 171:5, 174:24, 179:17, 191:4, 191:12, 191:18, 191:19, 192:4, 192:9, 195:3, 210:7, 213:21, 222:7, 222:9, 229:5, 235:13, 236:9, 239:10, 239:15, 242:23, 244:18, 255:1, 255:4, 255:20, 258:2, 259:8, 259:11, 259:15, 259:17, 295:19, 298:11, 298:13, 298:22, 300:16, 301:16, 323:9, 323:16, 329:6, 330:25, 334:4, 334:5</p> <p>People [2] - 293:14, 293:19</p> <p>pepper [1] - 327:15</p> <p>peppers [2] - 327:10, 327:12</p> <p>Pepsi [1] - 329:25</p> <p>per [1] - 21:2</p> <p>percent [63] - 35:24, 36:7, 76:24, 78:5, 78:8, 78:10, 78:11, 118:24, 119:1, 119:4, 120:10, 120:19, 120:20, 120:22, 134:7, 134:8, 134:13, 134:14, 134:16, 135:1, 135:2, 135:3, 135:7, 135:11, 135:24, 136:11, 138:5, 138:6, 138:13, 141:1, 141:5, 160:15, 160:16, 164:18, 164:23, 165:9, 166:9, 166:11, 166:15, 166:20, 166:23, 173:5, 173:6, 174:22, 194:23, 195:21, 195:22, 195:23, 196:12, 196:13, 246:25, 248:4, 248:5, 248:6, 249:10, 289:18</p> <p>percentage [7] - 118:12, 118:20,</p> | <p>134:5, 134:17, 138:3, 166:7, 248:7</p> <p>percentages [2] - 119:3, 165:22</p> <p>Perez [1] - 78:15</p> <p>PEREZ [1] - 78:16</p> <p>perfect [1] - 257:4</p> <p>performed [1] - 220:22</p> <p>perfume [1] - 233:24</p> <p>perhaps [4] - 37:20, 102:11, 108:19, 188:2</p> <p>period [9] - 172:16, 173:11, 174:9, 219:23, 244:10, 247:19, 305:20, 324:3, 324:5</p> <p>perjury [2] - 212:10, 212:11</p> <p>permanent [1] - 222:23</p> <p>permanently [1] - 221:2</p> <p>permission [2] - 104:13, 336:10</p> <p>permit [5] - 8:17, 8:18, 10:23, 51:3, 199:10</p> <p>permitted [2] - 46:4, 46:18</p> <p>person [26] - 37:8, 46:3, 116:4, 116:7, 116:11, 116:15, 116:19, 117:3, 117:6, 117:19, 117:22, 118:3, 118:16, 118:19, 126:9, 126:12, 127:2, 127:3, 127:5, 146:5, 146:8, 156:21, 157:6, 181:14, 255:16, 291:20</p> <p>personal [4] - 72:15, 75:9, 85:25, 246:18</p> <p>personally [7] - 206:14, 210:3, 230:17, 232:15, 298:2, 331:23, 332:5</p> <p>perspective [2] - 174:17, 344:22</p> <p>pertain [1] - 30:20</p> <p>pertains [1] - 14:21</p> <p>pertinent [1] - 156:3</p> <p>PH [1] - 1:25</p> <p>phases [1] - 42:22</p> <p>phenomena [1] - 295:9</p> <p>Philip [1] - 321:9</p> <p>phone [1] - 211:11</p> <p>photographs [4] -</p> | <p>171:3, 331:21, 331:23, 332:3</p> <p>phrase [1] - 207:18</p> <p>phrasing [6] - 106:24, 150:12, 178:14, 178:18, 178:21, 179:2</p> <p>Phyllis [2] - 296:23, 299:25</p> <p>physical [3] - 103:6, 103:19, 139:7</p> <p>physically [3] - 130:7, 140:1, 168:3</p> <p>pick [10] - 42:12, 114:6, 145:22, 188:25, 193:20, 196:3, 251:3, 286:23, 314:23, 317:3</p> <p>pick-up [1] - 42:12</p> <p>picked [4] - 132:13, 165:10, 168:16, 193:16</p> <p>picking [6] - 42:9, 166:20, 166:23, 195:13, 196:2, 196:18</p> <p>picture [12] - 131:9, 131:12, 133:10, 133:12, 134:7, 186:18, 186:21, 209:17, 238:24, 266:3, 266:5, 266:7</p> <p>pictures [11] - 109:18, 109:21, 113:24, 131:9, 132:9, 132:24, 236:1, 254:5, 265:16, 265:22, 267:6</p> <p>piece [11] - 8:8, 224:25, 225:2, 225:3, 225:4, 227:16, 252:8, 272:15, 272:17, 285:2</p> <p>pieces [6] - 224:18, 230:10, 298:16, 321:8, 321:16, 321:25</p> <p>piggybacking [1] - 274:24</p> <p>piled [1] - 238:22</p> <p>pillars [1] - 43:5</p> <p>Pinnacle [1] - 142:5</p> <p>pipeline [5] - 42:1, 42:5, 42:18, 58:7, 58:9</p> <p>pirates [5] - 320:24, 321:5, 321:10, 321:14, 321:20</p> <p>Pius [1] - 218:4</p> <p>place [8] - 32:19, 60:22, 124:2, 199:16, 202:2, 235:20, 252:4, 280:25</p> <p>placebo [1] - 112:6</p> | <p>placed [9] - 30:24, 124:10, 124:22, 206:24, 266:24, 279:10, 279:23, 284:17, 297:12</p> <p>places [2] - 94:18, 105:11</p> <p>plaintiff [12] - 5:22, 9:8, 9:23, 12:18, 29:4, 91:18, 91:22, 92:16, 97:22, 198:5, 200:16, 340:17</p> <p>Plaintiff [3] - 200:20, 214:11, 214:17</p> <p>PLAINTIFF [2] - 1:13, 2:3</p> <p>plaintiffs [1] - 199:3</p> <p>plaintiffs [9] - 4:11, 4:15, 4:18, 6:22, 7:8, 15:6, 18:2, 129:17, 338:24</p> <p>plaintiffs' [2] - 69:20, 101:21</p> <p>plan [11] - 6:17, 8:16, 9:17, 10:1, 27:18, 27:24, 28:1, 28:2, 28:6, 200:8, 340:14</p> <p>plane [1] - 268:15</p> <p>planet [1] - 299:3</p> <p>planning [4] - 16:15, 20:7, 339:10, 345:10</p> <p>plans [1] - 10:23</p> <p>plant [2] - 67:5, 234:10</p> <p>planted [1] - 169:1</p> <p>plastic [1] - 319:16</p> <p>platform [2] - 44:23, 231:13</p> <p>play [12] - 7:6, 7:9, 7:11, 8:19, 8:21, 234:1, 236:12, 244:21, 310:2, 310:3, 310:5, 331:19</p> <p>PLAYED [1] - 310:7</p> <p>played [6] - 5:9, 7:13, 8:20, 9:5, 220:16, 341:4</p> <p>player [3] - 25:10, 220:14, 220:17</p> <p>Players [1] - 221:21</p> <p>playing [3] - 9:2, 204:7, 213:11</p> <p>plays [1] - 292:22</p> <p>pleased [2] - 232:8, 234:18</p> <p>pleasing [6] - 230:2, 251:10, 251:11, 252:16, 252:17, 326:25</p> <p>plenty [1] - 206:10</p> | <p>Plus [14] - 24:15, 24:19, 24:20, 25:17, 25:20, 25:25, 26:3, 28:25, 52:17, 53:7, 53:11, 53:23, 56:16, 56:21</p> <p>point [48] - 17:25, 20:7, 20:9, 26:17, 35:21, 37:17, 44:25, 63:20, 69:11, 75:15, 77:22, 92:3, 92:8, 114:15, 125:10, 150:3, 150:8, 150:18, 150:23, 157:10, 158:21, 158:22, 179:9, 187:23, 197:4, 220:4, 221:13, 228:19, 229:1, 232:12, 234:3, 237:22, 242:3, 242:20, 248:13, 249:14, 262:2, 263:1, 293:1, 293:7, 293:18, 293:22, 294:10, 294:17, 310:12, 327:18, 332:15, 333:24</p> <p>pointed [7] - 74:3, 272:13, 333:13, 333:15, 334:22, 336:16, 336:20</p> <p>points [5] - 6:2, 69:2, 88:4, 138:3, 242:4</p> <p>police [1] - 255:10</p> <p>politely [1] - 106:1</p> <p>pollution [1] - 232:25</p> <p>pool [1] - 42:16</p> <p>popular [1] - 40:4</p> <p>population [2] - 31:22</p> <p>Poret [1] - 342:4</p> <p>poret [1] - 344:15</p> <p>portet's [1] - 343:22</p> <p>portfolio [6] - 27:16, 28:3, 28:22, 44:8, 207:24, 208:2</p> <p>portion [1] - 304:20</p> <p>portions [2] - 5:12, 8:23</p> <p>position [6] - 25:20, 27:6, 28:8, 87:19, 203:19, 204:1</p> <p>positions [1] - 203:22</p> <p>positive [10] - 155:4, 228:13, 228:14, 241:3, 295:25, 297:9, 297:24, 298:5, 299:11</p> <p>positivized [1] - 296:2</p> |
|---|---|---|---|---|

| | | | | |
|--|--|---|--|---|
| <p>possession [2] - 295:16, 296:13</p> <p>possibilities [1] - 233:7</p> <p>possible [7] - 14:10, 40:3, 63:3, 65:18, 66:2, 66:22, 71:12</p> <p>possibly [5] - 40:24, 62:18, 63:18, 63:23, 87:7</p> <p>post [2] - 105:23, 246:3</p> <p>postal [1] - 245:25</p> <p>Postal [1] - 220:2</p> <p>postee [2] - 245:23, 245:24</p> <p>posters [1] - 238:17</p> <p>postpone [1] - 5:24</p> <p>potable [1] - 325:19</p> <p>potential [3] - 36:4, 39:17, 220:25</p> <p>potentially [3] - 141:13, 168:1, 168:18</p> <p>pour [6] - 249:17, 323:6, 323:7, 323:8, 323:17</p> <p>poured [4] - 236:22, 261:11, 261:12, 323:9</p> <p>pouring [1] - 323:12</p> <p>power [2] - 87:23, 298:21</p> <p>powers [1] - 298:4</p> <p>PR [1] - 26:16</p> <p>practical [1] - 345:3</p> <p>practically [1] - 94:8</p> <p>practice [3] - 25:5, 94:9, 94:16</p> <p>pragmatist [1] - 298:10</p> <p>precise [1] - 231:3</p> <p>predict [1] - 59:2</p> <p>predisposed [1] - 34:11</p> <p>predominantly [1] - 31:21</p> <p>prefer [5] - 12:24, 15:13, 71:23, 260:24, 260:25</p> <p>preference [2] - 72:15, 72:20</p> <p>preferences [1] - 31:25</p> <p>preliminary [1] - 15:10</p> <p>premeditated [1] - 256:10</p> <p>Premier [1] - 259:24</p> <p>premiere [1] - 222:20</p> <p>premise [2] - 27:15, 235:9</p> | <p>premises [1] - 235:10</p> <p>premium [50] - 31:8, 31:9, 31:11, 31:12, 32:8, 36:17, 36:22, 37:2, 37:4, 63:21, 63:22, 64:1, 64:12, 64:14, 68:21, 114:13, 114:15, 114:16, 114:25, 115:14, 132:16, 132:17, 149:23, 158:8, 158:9, 158:19, 158:20, 158:23, 158:25, 159:2, 180:6, 232:13, 255:1, 290:12, 290:16, 291:18, 333:14</p> <p>premiumness [1] - 37:11</p> <p>preparation [2] - 265:20, 312:9</p> <p>Preparatory [1] - 218:4</p> <p>prepare [5] - 30:13, 153:20, 282:9, 292:3, 292:12</p> <p>prepared [17] - 6:20, 8:12, 18:6, 54:6, 198:16, 211:10, 258:5, 282:11, 339:8, 340:5, 340:7, 340:8, 340:12, 340:20, 340:21, 343:19, 344:10</p> <p>preparing [1] - 187:13</p> <p>presence [2] - 5:4, 258:19</p> <p>present [4] - 6:9, 6:17, 7:24, 101:11</p> <p>presentation [12] - 38:18, 262:18, 268:4, 291:8, 291:17, 292:1, 294:8, 294:20, 303:9, 332:21, 333:17</p> <p>presentations [1] - 38:20</p> <p>presented [8] - 205:13, 206:4, 212:22, 213:23, 292:4, 292:5, 292:12, 292:19</p> <p>preserve [1] - 13:22</p> <p>president [6] - 27:6, 27:9, 52:12, 53:1, 93:20, 172:16</p> <p>PRESIDING [1] - 1:8</p> <p>prettiest [2] - 299:22, 300:4</p> | <p>pretty [6] - 12:8, 20:5, 122:13, 137:15, 274:21, 301:13</p> <p>previous [3] - 49:18, 50:7, 50:8</p> <p>previously [11] - 32:15, 40:25, 50:12, 50:14, 63:19, 108:20, 110:2, 130:22, 168:24, 188:3, 344:13</p> <p>price [26] - 44:5, 62:10, 69:2, 69:10, 86:23, 88:4, 107:16, 107:17, 114:15, 125:9, 150:3, 150:7, 150:18, 157:18, 157:21, 157:22, 158:21, 158:22, 180:5, 180:7, 210:13, 210:16, 210:19, 210:22, 232:12, 265:1</p> <p>prices [3] - 107:17, 157:23, 158:2</p> <p>pricing [7] - 26:16, 27:14, 179:20, 180:1, 180:10, 180:15, 180:20</p> <p>pride [1] - 294:4</p> <p>prides [1] - 66:1</p> <p>priesthood [1] - 218:10</p> <p>primarily [3] - 24:22, 26:15, 76:15</p> <p>primary [1] - 217:7</p> <p>Principal [1] - 263:15</p> <p>principal [3] - 216:19, 216:23, 335:1</p> <p>print [3] - 237:9, 237:14, 302:5</p> <p>pristine [2] - 232:24, 322:13</p> <p>private [3] - 95:1, 95:6, 175:6</p> <p>privileged [1] - 224:18</p> <p>problem [9] - 10:25, 11:4, 199:23, 252:21, 252:23, 253:7, 327:24, 328:11, 331:14</p> <p>problems [3] - 199:20, 199:21, 231:24</p> <p>proceed [6] - 23:20, 93:10, 144:15, 214:24, 276:23, 330:19</p> <p>proceeding [1] - 23:13</p> <p>PROCEEDINGS [3] -</p> | <p>1:19, 346:2, 347:14</p> <p>proceedings [2] - 16:10, 53:21</p> <p>process [19] - 42:3, 57:1, 94:21, 101:2, 102:22, 108:14, 108:16, 108:24, 139:23, 140:14, 168:19, 230:21, 233:17, 282:15, 282:18, 282:23, 305:19, 331:7, 331:16</p> <p>ProdExpo [1] - 241:23</p> <p>Produce [1] - 202:6</p> <p>produce [5] - 43:11, 229:12, 234:11, 243:20, 289:10</p> <p>produced [4] - 56:3, 56:14, 189:7, 190:1</p> <p>producer [7] - 84:2, 84:18, 84:25, 221:4, 319:4, 319:8, 319:10</p> <p>producers [1] - 323:20</p> <p>producing [2] - 221:10, 252:16</p> <p>product [140] - 30:16, 33:16, 33:17, 34:14, 35:1, 35:7, 40:9, 44:4, 45:3, 45:12, 51:15, 67:13, 67:22, 74:1, 83:17, 86:17, 90:13, 90:20, 90:25, 94:13, 94:19, 100:9, 100:11, 100:23, 100:24, 101:7, 101:21, 102:2, 102:3, 102:5, 102:8, 102:9, 102:14, 102:17, 103:4, 103:5, 103:17, 103:25, 104:5, 104:22, 109:19, 110:24, 111:25, 116:4, 116:7, 116:12, 116:14, 116:15, 116:25, 117:2, 117:3, 117:19, 117:21, 117:23, 118:2, 118:3, 118:6, 118:7, 118:14, 118:23, 125:24, 126:3, 126:9, 126:12, 127:1, 127:6, 129:1, 129:2, 129:3, 129:5, 129:6, 129:25, 130:2, 130:4, 130:10, 133:10, 133:11, 133:19, 134:2, 134:6, 134:18, 139:10,</p> | <p>142:12, 146:18, 179:14, 184:13, 189:18, 204:11, 204:15, 204:23, 204:24, 205:4, 205:13, 205:15, 206:2, 206:4, 206:5, 206:11, 206:16, 207:3, 207:16, 208:3, 213:14, 213:24, 214:1, 225:14, 225:20, 231:16, 231:18, 232:13, 233:1, 233:9, 235:5, 235:18, 236:5, 240:18, 242:25, 243:8, 243:23, 244:6, 248:15, 256:9, 257:17, 258:22, 261:5, 261:16, 264:7, 282:21, 291:3, 326:15, 331:12, 331:13, 332:24, 334:11, 334:14, 334:19, 334:20</p> <p>production [9] - 234:19, 243:19, 243:22, 275:22, 279:11, 279:12, 310:12, 316:6, 336:15</p> <p>products [73] - 25:3, 30:23, 34:25, 35:2, 38:25, 57:16, 57:21, 84:19, 85:1, 94:12, 95:13, 97:14, 98:17, 101:3, 101:5, 101:8, 101:14, 102:23, 102:24, 103:1, 103:3, 103:9, 103:14, 104:1, 104:4, 109:17, 109:22, 110:7, 116:3, 116:6, 116:11, 116:14, 116:18, 117:5, 117:17, 117:21, 118:16, 118:18, 118:21, 119:2, 126:8, 126:11, 130:7, 131:8, 137:6, 137:7, 139:2, 139:8, 139:14, 139:15, 139:17, 139:20, 140:2, 141:8, 141:10, 142:16, 142:18, 143:14, 143:18, 144:7, 156:25, 157:4, 179:5, 179:12, 194:10, 194:19, 202:18, 207:11, 207:24, 226:20, 327:4</p> <p>professional [5] - 26:6, 66:21, 105:6,</p> |
|--|--|---|--|---|

| | | | | |
|---|---|--|---|---|
| <p>242:10, 293:2 professionals [1] - 27:22 Professor [1] - 129:10 proffer [15] - 12:21, 13:2, 13:3, 13:8, 13:13, 13:14, 13:21, 13:22, 339:7, 339:9, 339:10, 339:15, 339:16, 339:24, 340:4 profile [3] - 233:15, 271:15, 317:5 program [7] - 96:7, 106:21, 113:16, 221:9, 221:22, 231:3, 237:13 programmed [1] - 106:22 programming [1] - 27:15 progress [1] - 289:24 prohibition [2] - 41:12, 202:12 project [4] - 25:7, 244:24, 244:25, 266:25 projects [2] - 25:11, 247:17 proliferated [1] - 76:3 proliferation [3] - 34:24, 39:23, 40:2 promote [2] - 82:2, 301:11 promoted [2] - 219:15, 260:2 promoting [1] - 302:18 promotion [1] - 26:16 promotional [1] - 302:13 promotions [1] - 174:19 pronounced [4] - 315:11, 315:14, 315:15, 317:23 proof [1] - 325:19 proper [3] - 228:23, 260:18, 311:24 properly [2] - 57:17, 182:25 property [1] - 323:3 proportions [5] - 254:18, 268:8, 271:21, 286:7, 325:17 proposed [4] - 16:19, 17:7, 344:4</p> | <p>proposes [1] - 17:1 propped [1] - 314:4 proprietary [1] - 28:15 props [1] - 276:21 protect [5] - 256:16, 258:4, 262:4, 328:7, 330:2 protection [3] - 262:3, 262:15, 264:7 protects [1] - 256:4 prototype [1] - 267:9 prototypes [1] - 332:4 protrudes [3] - 317:11, 317:13, 317:15 proud [4] - 219:25, 235:21, 236:4, 239:11 provide [13] - 24:25, 25:6, 29:5, 29:6, 29:20, 30:7, 30:13, 31:5, 35:11, 41:5, 136:15, 143:22, 154:10 provided [4] - 35:21, 113:23, 155:14, 344:4 provider [1] - 140:10 provides [1] - 24:20 providing [1] - 29:19 province [3] - 232:21, 232:22, 233:4 Province [3] - 217:19, 217:20, 320:13 provinces [1] - 217:18 proximate [5] - 103:11, 103:14, 139:3, 139:5, 139:7 proximately [1] - 78:8 proximity [7] - 103:7, 103:16, 130:6, 139:9, 139:15, 139:17, 140:4 psychic [1] - 322:24 psychology [1] - 221:1 public [8] - 27:14, 174:21, 238:20, 239:2, 258:25, 273:19, 301:7, 301:8 Public [1] - 219:14 publications [1] - 96:24 publicity [4] - 235:16, 237:12, 238:15, 289:23 publish [1] - 79:11 published [3] -</p> | <p>77:16, 177:4, 177:7 publishes [2] - 97:13, 97:18 Pucker [1] - 142:5 pull [4] - 58:11, 180:4, 277:21, 277:22 purchase [13] - 107:13, 125:7, 125:9, 150:6, 150:7, 150:9, 150:18, 159:2, 194:1, 201:25, 202:16, 210:8 purchased [5] - 51:10, 104:14, 107:11, 125:6, 150:3 purchaser [1] - 159:10 purchasers [3] - 64:14, 290:15, 290:19 purchases [2] - 205:7, 290:17 purchasing [7] - 64:22, 107:14, 108:3, 150:5, 150:10, 150:11, 150:22 pure [10] - 65:24, 228:7, 294:2, 294:4, 296:8, 300:6, 300:7, 300:8, 300:9, 322:5 purest [2] - 299:20, 300:5 purity [8] - 66:13, 66:14, 228:9, 229:24, 300:6, 300:24, 301:1, 301:19 purport [1] - 296:15 purpose [5] - 18:23, 47:9, 179:20, 195:4, 263:12 purposes [5] - 7:16, 16:15, 50:5, 285:20, 339:1 PURSUANT [1] - 347:11 pursuing [1] - 244:17 purveying [1] - 337:6 push [2] - 251:19, 300:20 put [63] - 5:5, 7:5, 13:23, 15:1, 37:23, 62:20, 67:7, 84:19, 126:8, 126:11, 153:9, 160:6, 164:11, 173:1, 173:3, 174:17, 180:6, 180:11, 187:1, 194:20, 227:8, 227:9, 227:20, 227:25, 228:3, 228:5, 228:8, 229:20, 234:16, 236:15, 238:17,</p> | <p>241:4, 244:24, 244:25, 250:11, 251:11, 251:14, 251:16, 251:18, 252:8, 256:13, 257:9, 271:5, 271:12, 271:15, 287:13, 291:4, 296:22, 313:25, 315:18, 324:16, 325:7, 325:13, 327:16, 327:23, 327:25, 328:9, 328:10, 328:12, 328:20, 333:3, 333:4 puts [4] - 125:24, 126:2, 126:9, 127:1 putting [4] - 164:12, 176:9, 187:19, 323:23</p> <p style="text-align: center;">Q</p> <p>qualifications [2] - 107:23, 145:10 qualified [15] - 106:4, 106:5, 109:23, 113:8, 115:19, 121:22, 124:7, 125:15, 131:4, 143:2, 143:6, 145:9, 194:9, 194:14, 194:23 qualify [8] - 107:4, 108:9, 123:8, 123:9, 125:1, 125:13, 151:2, 151:22 qualifying [1] - 124:8 quality [15] - 33:16, 34:14, 83:17, 107:19, 125:11, 214:1, 233:8, 241:12, 255:3, 255:9, 255:10, 255:13, 261:21, 261:22, 338:4 quarter [16] - 198:23, 199:8, 270:4, 270:7, 270:18, 270:20, 287:9, 287:17, 287:23, 287:24, 288:6, 288:8, 288:11, 288:13, 288:14, 326:1 quarters [1] - 244:5 quartz [3] - 297:4, 322:25, 323:4 Quebec [4] - 217:14, 217:16, 217:18, 320:14 QUESTION [12] - 51:7, 51:10, 51:13, 51:19, 51:22, 70:2, 305:9, 306:11, 306:15, 307:25,</p> | <p>308:18, 313:10 question's [1] - 235:24 questioned [1] - 337:25 questioning [1] - 50:5 questionnaire [1] - 107:9 questionnaires [1] - 153:25 questions [78] - 23:9, 30:1, 49:18, 49:24, 70:24, 75:3, 80:23, 91:11, 100:10, 101:12, 106:2, 106:3, 106:13, 106:24, 107:2, 107:3, 107:4, 107:5, 107:7, 107:9, 107:10, 108:9, 115:22, 115:23, 115:24, 117:8, 118:9, 118:11, 118:13, 124:25, 125:2, 125:3, 125:12, 125:15, 125:18, 126:16, 126:18, 126:20, 126:24, 127:11, 127:12, 127:14, 132:5, 132:24, 133:3, 133:4, 133:5, 133:6, 133:7, 133:8, 133:21, 140:21, 140:23, 145:11, 146:9, 146:17, 148:21, 150:20, 152:22, 154:5, 154:6, 154:7, 154:15, 157:3, 158:13, 165:13, 165:23, 192:10, 197:1, 211:23, 241:18, 266:9, 275:12, 330:10, 331:3 quick [15] - 39:9, 39:12, 81:10, 81:14, 81:20, 85:16, 88:5, 88:8, 88:13, 88:15, 89:8, 256:9, 273:3, 274:25, 326:15 quick-follow [4] - 256:9, 273:3, 274:25, 326:15 quick-follower [3] - 81:10, 81:14, 81:20 quickly [3] - 39:16, 153:1, 153:4 quite [11] - 57:25, 166:8, 177:6, 177:8, 224:12, 237:1, 269:11, 271:10,</p> |
|---|---|--|---|---|

| | | | | |
|---|--|---|--|--|
| 272:19, 318:17, 334:18 quiz [1] - 153:5 quotations [1] - 128:21 quote [2] - 129:8, 129:12 quotes [1] - 153:9 | rapid [2] - 103:18, 139:22 rate [5] - 246:18, 246:21, 247:16, 247:25, 248:1 rated [1] - 242:6 rather [5] - 14:10, 141:17, 302:13, 339:16, 343:2 Raul [4] - 3:3, 23:4, 24:7, 24:14 RAUL [2] - 23:25, 24:7 Ray [7] - 204:13, 204:16, 205:9, 205:11, 206:4, 206:24, 213:25 reach [7] - 31:13, 35:14, 36:23, 98:13, 99:1, 99:5, 144:1 reached [2] - 14:5, 177:11 reacting [1] - 275:10 reaction [5] - 232:7, 236:7, 236:17, 238:13, 257:15 READ [1] - 304:16 read [71] - 5:14, 5:17, 6:10, 6:12, 6:14, 7:17, 15:10, 15:11, 15:12, 15:14, 16:24, 45:22, 46:12, 46:13, 49:1, 49:13, 49:15, 50:3, 51:5, 69:17, 69:21, 70:1, 79:20, 80:4, 80:19, 83:2, 131:16, 131:17, 131:25, 132:1, 177:4, 188:7, 189:13, 190:8, 190:9, 190:10, 190:20, 190:22, 190:24, 190:25, 191:9, 191:19, 192:7, 211:17, 212:21, 212:23, 213:2, 253:19, 253:21, 262:8, 262:19, 284:23, 285:21, 293:9, 304:6, 304:14, 306:6, 306:10, 307:16, 307:24, 308:14, 308:17, 311:16, 313:3, 313:9, 339:11, 339:16, 340:19 reading [11] - 7:20, 51:3, 181:22, 190:3, 190:7, 190:10, 190:19, 191:14, 212:18, 304:20 | reads [1] - 46:1 ready [7] - 13:7, 47:25, 144:15, 339:15, 339:17, 340:9, 343:15 reaffirm [1] - 199:2 real [11] - 42:17, 159:21, 160:1, 160:2, 160:22, 169:7, 171:14, 178:25, 245:7, 309:19, 314:3 really [30] - 38:12, 62:4, 67:21, 67:23, 84:23, 129:4, 139:19, 160:22, 176:7, 180:19, 199:1, 213:23, 214:4, 217:9, 224:12, 230:11, 231:15, 234:18, 237:12, 242:11, 247:21, 259:15, 267:3, 270:8, 295:25, 296:4, 299:7, 309:25, 336:13 realm [1] - 323:15 reason [8] - 53:18, 73:25, 132:13, 160:12, 167:25, 261:14, 321:11, 321:13 reasonable [7] - 19:15, 19:16, 40:5, 44:14, 188:10, 280:10, 280:11 reasonably [3] - 127:20, 134:23, 135:25 reasoning [1] - 154:18 reasons [8] - 46:5, 46:10, 74:7, 111:11, 111:15, 122:2, 193:10, 333:24 Rebecca [1] - 4:22 REBECCA [1] - 2:15 rebirth [1] - 181:25 rebuttal [3] - 18:1, 18:4, 20:10 recalculating [1] - 17:23 receive [3] - 7:7, 96:5, 97:25 received [6] - 46:16, 46:23, 46:25, 96:11, 241:5, 284:24 recent [2] - 177:6, 177:8 recently [3] - 34:21, 212:21, 290:9 recess [14] - 9:17, | 10:2, 91:25, 92:5, 92:12, 197:4, 197:10, 197:14, 197:16, 200:2, 200:11, 230:17, 330:19, 338:15 RECESS [3] - 92:6, 92:14, 200:13 recessed [1] - 338:18 recessing [2] - 10:11, 10:20 recession [1] - 76:2 recipes [3] - 258:18, 301:19, 301:20 recognition [1] - 174:21 recognize [1] - 131:1 recognized [1] - 129:11 recollection [7] - 56:4, 80:9, 80:21, 80:23, 81:5, 198:20, 285:19 recommended [4] - 114:3, 120:16, 129:13, 167:23 RECORD [1] - 304:16 record [14] - 5:3, 13:5, 13:23, 13:24, 15:22, 24:6, 47:5, 47:21, 93:7, 199:16, 200:24, 214:21, 277:12, 277:19 recorded [1] - 49:24 records [2] - 56:7, 220:16 recoup [1] - 245:15 recreate [1] - 160:1 recreating [1] - 160:2 RECROSS [1] - 3:3 red [7] - 37:19, 88:11, 88:14, 88:15, 100:13, 102:11, 102:12 Redding's [1] - 220:17 REDIRECT [5] - 3:3, 86:12, 192:13, 212:15, 332:13 redirect [6] - 86:10, 192:12, 211:24, 293:11, 330:12, 332:12 reduce [1] - 265:1 reenforced [1] - 188:2 refer [2] - 116:20, | 119:13 reference [12] - 28:9, 77:16, 77:22, 79:23, 80:14, 146:10, 146:13, 304:7, 304:8, 307:19, 311:19, 321:20 referenced [1] - 119:5 referred [6] - 99:20, 112:11, 129:13, 306:20, 307:1, 314:14 referring [12] - 31:1, 40:17, 40:18, 73:25, 98:22, 103:20, 119:6, 127:21, 136:24, 253:25, 301:3, 342:13 reflected [3] - 180:9, 181:10, 193:1 reflecting [1] - 194:17 reflects [2] - 5:3, 193:3 refresh [5] - 72:24, 80:23, 81:5, 198:19, 285:19 refreshed [1] - 280:18 refreshes [2] - 80:9, 80:21 regard [2] - 125:20, 126:21 regarding [1] - 232:16 regardless [1] - 128:7 regards [1] - 264:11 region [1] - 304:2 register [2] - 263:15, 335:1 registered [1] - 264:2 Registered [1] - 264:3 registration [1] - 335:18 regret [2] - 275:1, 275:3 regretted [1] - 311:1 regular [3] - 77:11, 77:14, 159:10 regularly [1] - 96:18 REGULATIONS [1] - 347:16 reinforced [1] - 267:15 reject [1] - 46:7 reabeled [1] - 167:8 relate [1] - 100:20 related [19] - 35:13, |
| R | | | | |
| Radio [2] - 220:8, 220:10 radio [6] - 237:7, 237:13, 237:15, 238:18, 302:1 Radner [2] - 222:5, 222:10 Rafferty [3] - 4:23, 13:10, 144:21 RAFFERTY [30] - 2:14, 13:10, 14:1, 14:11, 15:1, 15:16, 15:19, 92:24, 144:16, 144:18, 151:9, 154:16, 164:2, 165:19, 170:3, 174:8, 175:24, 177:18, 177:20, 178:6, 182:16, 182:18, 183:12, 184:1, 184:6, 184:9, 192:10, 196:25, 344:23, 345:2 Rail [1] - 219:6 Railway [3] - 219:1, 219:5, 219:6 rain [1] - 232:25 raise [10] - 9:16, 9:25, 12:11, 17:6, 23:24, 93:1, 200:6, 200:18, 214:15, 345:22 raised [3] - 235:24, 293:7, 345:17 Ramiro's [1] - 202:7 Ramos [7] - 204:13, 204:16, 205:9, 205:11, 206:4, 206:24, 213:25 ramp [1] - 243:21 ran [2] - 113:12, 113:13 random [3] - 105:25, 106:12, 133:23 randomly [1] - 113:15 range [4] - 36:12, 119:4, 120:19, 120:25 rank [1] - 38:5 | | | | |

| | | | | |
|--|--|--|---|---|
| <p>35:18, 36:5, 44:1, 63:5, 63:8, 63:11, 67:9, 68:4, 96:19, 97:10, 102:24, 136:1, 139:2, 168:17, 185:15, 194:11, 194:15, 248:10 relatedness [1] - 72:8 relating [2] - 103:7, 226:19 relations [1] - 27:15 relationship [3] - 104:23, 204:19, 204:22 relationships [1] - 104:8 relatively [6] - 64:15, 100:8, 120:19, 137:12, 195:11, 242:19 relevance [1] - 297:18 relevant [3] - 55:15, 141:13, 141:15 reliable [4] - 77:25, 78:2, 78:11, 145:3 relied [1] - 71:8 relieve [1] - 10:16 religion [1] - 240:25 religious [2] - 298:3, 338:1 rely [1] - 28:9 remain [2] - 197:11, 223:25 remake [1] - 244:12 remarkable [1] - 38:16 remember [39] - 81:11, 84:9, 102:21, 108:17, 110:1, 119:15, 137:25, 138:4, 138:7, 143:15, 146:22, 146:23, 146:25, 155:1, 155:21, 157:23, 178:13, 178:17, 178:21, 179:1, 179:13, 180:12, 193:10, 195:4, 206:20, 212:18, 218:2, 232:3, 235:19, 238:8, 242:16, 276:9, 283:25, 284:19, 284:22, 333:12, 335:16, 336:22, 337:8 remind [1] - 332:18 reminded [1] - 267:7 reminiscent [1] - 161:24</p> | <p>remove [2] - 195:5, 252:7 removed [4] - 152:1, 155:16, 155:18, 156:2 removing [1] - 196:19 render [5] - 45:23, 70:25, 97:22, 98:8, 98:10 rendered [5] - 45:25, 63:4, 75:11, 75:23, 76:8 rendering [3] - 309:15, 309:18, 309:21 rented [1] - 237:24 reopen [1] - 338:25 rep [1] - 204:13 repeal [1] - 41:12 repeat [2] - 307:19, 311:19 repertoire [2] - 33:7, 36:12 replaced [1] - 110:14 replica [7] - 254:18, 266:1, 271:22, 274:25, 299:12, 336:15, 337:24 replicate [5] - 108:24, 171:14, 193:15, 193:17, 194:6 replicated [2] - 121:17, 250:19 replicates [6] - 101:1, 102:22, 108:18, 139:23, 194:5 replicating [5] - 110:2, 115:15, 121:10, 152:24, 193:11 replication [3] - 261:22, 271:16, 329:1 reply [1] - 182:20 report [20] - 30:4, 30:5, 35:21, 54:20, 54:23, 55:2, 55:10, 74:4, 75:12, 75:23, 76:8, 113:21, 113:23, 128:22, 129:14, 136:23, 137:17, 155:21, 173:13, 173:17 reported [2] - 5:7, 298:23 REPORTED [1] - 347:14 reporter [2] - 304:12, 304:14 Reporter [2] - 97:17, 97:18</p> | <p>REPORTER [4] - 1:23, 347:3, 347:9, 347:24 REPORTER'S [1] - 1:19 reports [6] - 30:17, 55:18, 56:5, 156:10, 180:13, 182:7 Reposado [6] - 160:13, 181:3, 185:9, 210:17, 289:10, 318:11 represent [5] - 108:1, 144:22, 193:25, 204:23, 296:15 representations [1] - 179:5 representatives [1] - 42:7 represented [3] - 208:14, 208:22, 276:11 representing [3] - 213:13, 276:13, 276:14 represents [1] - 108:6 reproduce [1] - 162:12 requesting [1] - 21:7 required [2] - 47:22, 154:18 requirement [4] - 101:20, 102:4, 102:16, 102:19 requirements [2] - 101:16, 101:18 requires [3] - 128:24, 251:18, 253:2 reread [1] - 308:13 research [90] - 27:14, 28:10, 28:12, 28:14, 28:15, 28:18, 30:19, 30:21, 36:1, 36:2, 70:23, 71:14, 85:24, 93:20, 94:1, 94:5, 94:11, 95:24, 96:1, 96:4, 96:15, 96:19, 96:23, 97:14, 97:18, 98:10, 98:19, 98:20, 98:22, 105:9, 105:16, 106:19, 109:3, 109:11, 111:18, 112:1, 112:6, 113:11, 114:19, 119:13, 121:15, 121:17, 123:1, 123:20, 124:13, 125:22, 129:14,</p> | <p>130:16, 130:19, 130:20, 131:3, 132:12, 132:21, 133:2, 133:4, 134:4, 134:12, 135:9, 135:21, 136:20, 136:21, 137:3, 137:4, 137:9, 137:20, 138:12, 138:14, 138:18, 138:19, 138:20, 138:21, 140:3, 140:20, 140:22, 153:3, 166:19, 173:12, 179:16, 179:19, 179:22, 179:23, 180:1, 180:3, 180:8, 180:9, 193:23, 196:18, 306:18, 306:24 researcher [2] - 295:5, 295:9 researches [1] - 137:13 researching [1] - 227:23 resemblance [1] - 329:1 resembled [2] - 163:2, 163:9 resembles [1] - 163:8 resembling [4] - 163:20, 164:5, 167:1 residence [2] - 215:13, 216:21 resident [1] - 215:11 resolution [1] - 260:18 resolve [5] - 21:14, 188:20, 188:23, 190:11 resolved [1] - 7:5 resources [1] - 57:18 respect [2] - 40:16, 75:1 respected [1] - 225:8 respects [1] - 254:17 respond [1] - 141:21 responded [2] - 226:21, 226:25 respondent [8] - 101:24, 101:25, 102:1, 122:7, 128:25, 133:24, 153:6, 166:7 respondents [22] - 100:16, 100:17, 100:18, 118:24, 119:1, 119:3, 124:16, 124:17, 134:6,</p> | <p>134:18, 137:16, 137:19, 137:20, 137:22, 140:25, 141:4, 143:17, 146:16, 166:9, 166:11, 168:15, 168:16 responding [1] - 242:23 response [16] - 118:13, 127:20, 127:21, 146:6, 149:10, 149:20, 154:5, 156:24, 156:25, 157:3, 157:14, 239:12, 239:16, 274:19, 344:19, 345:17 responses [11] - 23:10, 122:14, 122:15, 140:19, 148:21, 156:6, 156:11, 156:22, 157:2, 157:13, 195:15 responsibilities [3] - 26:13, 27:9, 202:14 responsible [3] - 26:14, 26:20, 27:11 rest [8] - 7:8, 17:25, 22:12, 155:13, 157:12, 199:4, 338:25, 340:17 restaurant [4] - 37:8, 72:6, 90:23, 90:25 Restaurant [1] - 202:8 restaurants [5] - 30:23, 42:4, 90:16, 90:19, 201:24 resting [1] - 9:23 restrict [1] - 239:17 result [11] - 32:9, 41:11, 76:2, 118:8, 119:10, 128:12, 232:9, 267:6, 267:12, 273:15, 292:10 results [13] - 113:3, 113:4, 118:10, 127:15, 127:22, 128:14, 128:20, 129:22, 134:3, 134:10, 170:17, 173:4, 194:21 retail [21] - 38:24, 41:16, 42:8, 69:10, 107:16, 107:17, 109:5, 109:12, 157:21, 157:22, 157:23, 158:2, 201:23, 210:13,</p> |
|--|--|--|---|---|

| | | | | |
|--|---|---|---|--|
| 210:16, 210:19, 210:22, 235:8, 235:10, 235:12, 273:17 retailers [2] - 240:10, 258:25 retails [2] - 69:4, 69:10 retained [9] - 29:5, 95:3, 95:5, 97:21, 98:5, 113:21, 136:14, 167:24, 175:2 retired [1] - 246:3 rettig [1] - 340:12 Rettig [1] - 4:23 return [2] - 42:16, 338:16 returned [1] - 276:7 revealed [1] - 71:2 revenue [3] - 28:7, 58:8, 78:5 review [20] - 30:3, 49:7, 50:23, 54:17, 54:19, 56:2, 73:24, 74:16, 77:11, 77:13, 80:14, 80:15, 97:13, 136:16, 137:22, 173:17, 281:12, 311:25, 312:1, 313:6 reviewed [18] - 28:14, 30:15, 30:19, 49:11, 51:1, 54:6, 54:10, 54:13, 54:19, 54:21, 55:24, 56:5, 56:6, 73:4, 73:18, 80:17, 80:25, 97:17 reviewing [1] - 313:7 RHOW [1] - 2:10 RIGGET [1] - 2:15 right-hand [1] - 183:15 rights [14] - 256:4, 256:17, 279:13, 279:15, 327:21, 335:5, 335:7, 335:8, 335:9, 335:10, 335:11, 335:25, 336:25 rise [6] - 22:20, 92:4, 197:17, 308:9, 338:21, 345:25 risk [1] - 19:10 ritual [1] - 181:25 RNDC [1] - 259:21 road [2] - 219:14, 275:22 Robert [2] - 242:2 robust [1] - 28:12 Rocky [1] - 259:20 Rod's [1] - 219:19 | role [6] - 36:21, 221:9, 234:7, 234:9, 244:14, 292:23 roles [1] - 244:11 roll [4] - 41:23, 234:25, 235:2, 313:25 rolling [2] - 28:2, 140:15 rolls [1] - 314:4 ROOM [1] - 1:24 room [18] - 78:15, 106:6, 106:14, 108:12, 109:15, 123:10, 124:9, 124:10, 131:7, 145:10, 151:22, 197:12, 222:7, 225:21, 236:2, 238:21, 259:2, 285:1 rose [1] - 14:13 Rosi [2] - 223:21, 223:23 Rossi [1] - 28:5 rotating [1] - 217:7 roughly [2] - 239:20, 270:23 round [6] - 265:3, 265:7, 265:14, 269:10, 312:17, 312:19 rounded [1] - 112:17 rounder [5] - 312:15, 312:24, 313:11, 313:13, 313:15 routine [2] - 195:11 rows [1] - 171:11 royal [2] - 219:20, 219:22 Rule [1] - 293:6 rule [5] - 7:22, 47:18, 50:24, 339:13, 342:15 ruled [1] - 340:19 ruler [4] - 269:14, 269:19, 285:25, 286:24 rules [6] - 6:7, 7:25, 14:6, 46:15, 46:19, 342:19 ruling [1] - 6:1 rulings [7] - 8:7, 8:18, 9:3, 9:15, 343:15, 343:21, 345:19 rum [7] - 32:3, 33:14, 63:9, 63:23, 65:11, 67:18, 207:23 Rum [3] - 28:3, 33:3, 67:17 Rum's [1] - 67:17 run [6] - 113:20, | 217:6, 217:7, 231:22, 279:11, 331:12 runway [1] - 219:9 Russian [2] - 232:17, 241:24 Russians [1] - 241:25 S sacrifice [2] - 244:7, 275:15 sacrificed [1] - 275:19 safe [1] - 20:2 sale [4] - 88:1, 90:2, 248:13, 332:8 sales [22] - 26:16, 29:16, 37:7, 44:22, 45:8, 52:13, 58:17, 72:23, 73:14, 73:18, 74:1, 74:8, 74:15, 75:1, 75:8, 75:24, 76:5, 78:4, 258:3, 300:11, 300:15 salsa [2] - 327:10, 327:12 salt [1] - 327:15 Sam [1] - 295:10 San [3] - 238:4, 240:15, 241:22 SAN [1] - 2:20 sanction [1] - 257:21 sangria [1] - 25:12 Santillan [1] - 298:16 sapphire [1] - 37:18 Sapphire [1] - 28:4 Sark [1] - 26:22 sat [1] - 286:10 satiny [1] - 323:18 satisfied [1] - 232:8 Saturday [4] - 221:4, 222:12, 222:16, 222:20 save [1] - 253:16 saving [1] - 272:17 savings [1] - 265:2 saw [51] - 32:1, 32:7, 38:18, 40:20, 40:22, 40:25, 44:3, 45:2, 45:4, 48:17, 51:8, 51:13, 89:21, 113:10, 113:12, 115:19, 115:21, 124:17, 131:9, 133:7, 145:14, 145:17, 145:20, 156:23, 169:13, 195:18, 206:1, 206:16, 206:20, | 206:23, 207:25, 208:16, 209:12, 209:14, 209:17, 224:23, 232:3, 232:7, 236:9, 250:2, 250:10, 251:10, 255:18, 256:10, 257:15, 257:23, 274:17, 282:4, 286:12, 326:14, 326:20 sax [1] - 220:16 scale [2] - 128:6, 128:7 scales [4] - 128:5, 128:9, 128:11, 128:12 scenario [4] - 108:18, 110:2, 169:17, 193:11 schedule [5] - 10:9, 18:3, 246:18, 275:23, 338:17 schematic [1] - 231:6 scholarship [1] - 96:9 school [10] - 217:12, 218:1, 218:3, 218:4, 218:5, 218:15, 218:20, 218:21, 220:22, 323:11 School [4] - 95:20, 95:22, 217:13, 218:6 schools [1] - 295:18 science [2] - 95:17, 299:5 scientific [1] - 170:16 scintilla [1] - 149:7 scope [1] - 75:2 Scotch [1] - 26:22 scotch [4] - 32:2, 32:16, 33:1, 34:9 Scotches [1] - 28:5 screen [11] - 101:20, 105:8, 105:19, 107:6, 109:17, 137:22, 158:17, 159:5, 250:11, 265:17, 342:5 Screen [1] - 220:10 screened [1] - 159:11 screening [1] - 159:1 scripted [1] - 133:3 scrying [2] - 228:11, 296:2 sculpture [1] - 229:1 Seagrams [3] - 207:21, 208:3 seal [1] - 85:9 search [1] - 230:18 | seat [3] - 93:6, 200:23, 214:20 seated [4] - 22:25, 92:7, 197:20, 200:14 Second [2] - 221:14, 222:11 second [28] - 25:5, 27:3, 35:10, 35:12, 42:4, 85:16, 94:16, 120:14, 129:12, 133:7, 147:4, 147:21, 155:21, 160:20, 162:19, 180:14, 181:6, 184:14, 213:25, 221:16, 227:15, 245:22, 293:1, 293:8, 293:14, 293:18, 294:10, 319:13 second-to-last [2] - 293:1, 294:10 secondly [1] - 107:11 section [4] - 40:12, 55:4, 169:10, 180:25 SECTION [1] - 347:12 sections [2] - 51:2, 169:8 security [3] - 203:10, 203:11, 203:12 see [131] - 23:6, 30:23, 32:13, 37:21, 37:23, 50:21, 53:22, 54:4, 55:5, 56:19, 100:10, 100:19, 100:23, 101:10, 101:19, 102:14, 103:24, 103:25, 104:4, 104:19, 105:8, 105:18, 107:6, 107:8, 108:24, 109:16, 109:20, 110:6, 110:13, 113:16, 113:18, 116:3, 116:6, 116:14, 117:18, 117:21, 118:22, 118:25, 119:2, 120:7, 120:9, 122:1, 122:2, 122:6, 122:9, 122:25, 123:2, 129:1, 131:19, 132:23, 133:3, 134:5, 135:6, 137:9, 137:21, 138:6, 138:8, 139:10, 139:12, 139:13, 139:24, 139:25, 142:4, 142:6, 150:17, 152:2, 168:19, 168:25, 169:3, 169:13, 171:15, |
|--|---|---|---|--|

| | | | | |
|--|--|---|--|---|
| 171:16, 181:15, 182:2, 184:15, 184:20, 185:11, 186:1, 186:13, 186:22, 186:24, 187:3, 187:17, 193:13, 194:18, 195:7, 196:8, 209:19, 209:20, 226:21, 231:15, 233:19, 238:19, 239:8, 243:24, 250:1, 250:6, 252:20, 257:16, 263:2, 263:9, 263:17, 264:3, 265:6, 265:10, 266:12, 266:23, 266:25, 268:17, 272:7, 276:13, 278:4, 279:7, 281:25, 284:20, 285:10, 285:13, 285:15, 287:12, 288:15, 290:25, 294:12, 299:7, 315:17, 316:6, 318:20, 334:24, 338:19, 345:23 see-through [1] - 37:21 seeing [21] - 39:22, 39:24, 101:24, 101:25, 123:8, 123:15, 127:21, 135:12, 135:20, 135:23, 136:5, 136:6, 146:6, 149:10, 149:20, 166:19, 267:12, 267:13, 286:7, 288:8, 310:25 seek [1] - 244:16 seeking [1] - 228:23 seem [3] - 9:7, 183:5, 268:9 sees [7] - 39:15, 108:18, 110:3, 110:4, 168:23, 168:24, 169:17 segment [1] - 40:1 seized [1] - 273:17 selected [8] - 17:4, 116:25, 118:14, 118:21, 118:22, 118:23, 119:1, 119:3 selecting [1] - 122:16 selection [1] - 179:14 Self [1] - 202:6 sell [27] - 25:13, 41:16, 41:19, 41:24, 44:24, 87:24, 90:13, | 141:24, 142:18, 202:17, 205:4, 205:16, 205:17, 206:11, 207:24, 209:9, 228:9, 232:13, 243:6, 243:16, 256:24, 300:21, 327:10, 327:14, 327:19, 329:21, 334:14 selling [20] - 42:17, 114:20, 114:24, 115:2, 115:9, 132:15, 142:15, 170:7, 170:10, 180:23, 180:24, 188:13, 193:17, 205:19, 225:12, 277:7, 277:9, 293:22, 327:3, 329:4 sells [2] - 90:15, 329:23 semantics [1] - 161:11 seminar [1] - 258:22 seminars [1] - 96:22 Seminary [1] - 218:4 seminary [3] - 218:8, 218:13, 218:14 send [2] - 229:15, 247:4 sending [1] - 239:10 senior [3] - 27:6, 27:9, 52:12 sense [4] - 32:20, 69:2, 290:13, 320:22 sent [2] - 258:5, 277:3 sentence [1] - 333:25 separate [6] - 113:24, 141:9, 141:17, 191:1, 338:11, 339:24 September [4] - 222:17, 235:23, 235:25, 262:20 Sepúlveda [1] - 240:9 serial [1] - 262:24 series [4] - 101:8, 107:8, 122:6, 316:15 seriously [2] - 178:8, 178:12 servers [1] - 242:21 Service [2] - 219:10, 219:19 service [3] - 25:1, 201:23, 259:4 services [3] - 24:21, 25:1, 94:12 | session [7] - 5:15, 9:17, 9:18, 12:7, 18:12, 341:15, 344:9 SESSION [2] - 1:20, 4:3 sessions [2] - 246:20, 301:17 set [26] - 8:19, 16:19, 17:1, 101:12, 107:5, 117:8, 117:11, 117:13, 125:12, 126:16, 126:24, 127:11, 127:12, 133:6, 133:7, 133:8, 134:9, 143:16, 193:23, 193:24, 228:17, 238:14, 238:20, 243:9, 243:10 sets [4] - 7:5, 118:13, 128:20, 130:5 settle [2] - 16:21, 18:5 settled [2] - 230:8, 233:10 settling [1] - 17:12 seven [4] - 162:18, 234:3, 247:14, 322:18 several [6] - 38:4, 207:18, 211:1, 224:18, 253:13, 256:12 shake [1] - 76:3 shake-out [1] - 76:3 shakers [1] - 248:14 shaking [2] - 236:1, 339:19 shape [17] - 38:7, 40:19, 43:1, 59:17, 122:11, 122:12, 162:15, 163:2, 163:20, 164:5, 168:8, 168:10, 206:8, 207:2, 207:12, 263:20, 265:7 shaped [59] - 41:1, 87:10, 89:22, 111:8, 111:21, 111:23, 112:12, 112:14, 113:3, 113:6, 119:17, 120:6, 121:4, 121:6, 121:11, 121:12, 121:13, 121:16, 132:18, 132:20, 168:20, 191:17, 194:7, 195:7, 196:6, 206:12, 206:17, 206:21, 225:12, 226:22, 226:23, 256:5, 257:1, 273:12, 277:9, 278:9, 278:11, 283:11, 283:17, | 288:23, 306:4, 309:6, 309:9, 327:6, 327:22, 328:20, 329:2, 329:3, 329:9, 329:13, 329:17, 329:22, 335:15, 336:25, 337:3, 337:6 share [5] - 134:10, 135:5, 141:18, 142:16, 142:17 shared [1] - 51:23 shares [3] - 290:4, 290:8, 290:10 sheet [1] - 341:1 shelf [8] - 62:20, 101:4, 101:11, 103:1, 139:8, 139:12, 161:3, 171:10 shelves [3] - 235:15, 273:18 SHERI [3] - 1:23, 347:9, 347:23 shift [3] - 32:1, 76:11, 76:13 shifting [2] - 31:25, 32:7 shipped [1] - 261:10 ships [1] - 321:17 shirt [3] - 104:10, 104:12, 104:13 shop [1] - 221:23 shopping [1] - 261:18 short [9] - 17:22, 19:20, 21:21, 22:18, 85:7, 184:10, 197:4, 199:2, 343:10 shorter [1] - 9:19 shortly [2] - 40:10, 103:5 shot [2] - 203:14, 248:13 shots [1] - 225:22 Show [2] - 230:7, 249:22 show [37] - 100:15, 100:17, 100:23, 101:7, 102:2, 102:9, 102:14, 109:18, 125:14, 135:15, 135:16, 145:18, 162:7, 170:11, 170:14, 170:21, 170:24, 187:16, 220:24, 221:1, 222:18, 223:5, 225:18, 230:6, 237:9, 239:15, 250:3, 252:13, 257:11, 258:17, 258:20, | 261:7, 262:1, 302:3, 337:16 showed [29] - 108:25, 109:15, 109:18, 110:13, 115:18, 116:5, 116:7, 116:12, 116:16, 117:3, 117:19, 117:23, 118:3, 119:5, 124:6, 127:7, 130:23, 130:24, 131:8, 131:11, 137:20, 146:8, 151:11, 152:4, 160:8, 163:19, 166:3, 255:19, 279:20 showing [7] - 109:12, 123:14, 123:15, 123:17, 123:19, 131:8, 135:21 shown [24] - 109:21, 109:23, 110:25, 111:1, 111:2, 113:8, 124:9, 127:17, 132:11, 133:11, 145:11, 151:23, 152:6, 160:9, 162:8, 163:16, 164:24, 168:8, 168:9, 169:3, 169:4, 170:19, 279:5 shows [6] - 35:22, 100:9, 118:10, 165:22, 182:23, 182:24 shut [2] - 10:6, 205:23 side [25] - 12:2, 12:14, 17:6, 21:2, 21:11, 22:4, 46:18, 109:9, 109:10, 131:10, 131:12, 139:8, 186:5, 189:22, 217:19, 243:5, 289:23, 295:25, 297:8, 297:9, 337:16, 341:19 sided [1] - 322:25 sides [4] - 265:8, 297:8, 297:25, 299:8 sidetracked [1] - 15:25 sight [1] - 152:1 sign [4] - 211:7, 212:7, 238:22, 239:7 signature [2] - 281:14, 281:15 signed [5] - 211:18, 212:9, 212:11, 281:17, 326:1 significance [1] - 43:2 |
|--|--|---|--|---|

| | | | | |
|---|--|---|--|---|
| <p>significant [2] - 88:3, 144:6</p> <p>significantly [1] - 34:19</p> <p>signing [3] - 237:14, 238:8, 239:15</p> <p>signings [8] - 38:23, 174:19, 237:11, 238:14, 246:19, 302:9, 325:21</p> <p>silent [1] - 37:7</p> <p>silver [1] - 226:9</p> <p>Silver [6] - 40:10, 110:9, 114:18, 142:8, 184:15, 188:5</p> <p>similar [22] - 40:15, 86:23, 101:12, 103:9, 113:2, 123:6, 125:2, 125:19, 128:8, 130:20, 132:16, 132:19, 139:16, 207:2, 207:12, 271:24, 273:14, 273:21, 274:6, 338:12, 343:11</p> <p>similarities [7] - 272:24, 273:4, 286:12, 288:24, 337:22, 337:23</p> <p>similarity [4] - 44:5, 87:1, 254:17, 268:4</p> <p>similarly [1] - 127:10</p> <p>Simmons [1] - 140:9</p> <p>simple [4] - 70:7, 133:14, 191:13, 191:15</p> <p>simplified [2] - 160:2, 160:4</p> <p>simply [9] - 75:8, 133:20, 154:1, 190:7, 226:7, 233:14, 260:16, 288:20, 289:2</p> <p>simultaneously [1] - 229:10</p> <p>single [12] - 146:5, 146:8, 146:9, 146:13, 165:12, 166:2, 176:13, 193:15, 193:21, 194:2, 279:17, 294:15</p> <p>singling [1] - 127:18</p> <p>sister [1] - 337:18</p> <p>sit [7] - 22:22, 97:11, 97:16, 171:23, 238:23, 271:6, 271:10</p> <p>sits [1] - 233:5</p> <p>sitting [4] - 73:17, 131:24, 209:5, 266:20</p> <p>situation [1] - 32:22</p> <p>six [6] - 107:13,</p> | <p>107:14, 158:18, 159:3, 234:3, 265:8</p> <p>size [3] - 107:15, 137:15, 270:12</p> <p>skeleton [1] - 122:7</p> <p>skeptics [1] - 229:5</p> <p>sketched [1] - 227:16</p> <p>sketches [4] - 229:12, 229:14, 230:22, 230:24</p> <p>skill [1] - 224:9</p> <p>skills [1] - 225:8</p> <p>skip [1] - 184:23</p> <p>skull [133] - 38:7, 41:1, 43:1, 44:5, 85:16, 86:23, 87:10, 89:22, 109:25, 111:8, 111:21, 111:23, 112:12, 112:14, 112:23, 112:24, 113:3, 113:6, 119:17, 120:6, 120:15, 121:4, 121:6, 121:11, 121:12, 121:13, 121:16, 122:11, 122:13, 127:19, 129:13, 134:22, 161:23, 162:24, 163:2, 163:3, 163:8, 163:9, 163:13, 163:15, 163:17, 163:20, 164:5, 165:8, 167:2, 167:3, 167:19, 167:22, 168:1, 168:4, 168:5, 168:9, 168:10, 168:20, 186:6, 186:7, 189:22, 189:24, 194:7, 195:7, 196:6, 206:8, 206:12, 206:17, 206:21, 207:12, 225:12, 226:22, 226:23, 227:16, 227:19, 256:5, 257:1, 259:16, 263:20, 268:11, 268:15, 269:6, 270:4, 270:12, 271:22, 272:2, 272:4, 273:12, 277:9, 278:9, 278:11, 282:2, 282:3, 283:11, 283:17, 288:23, 297:3, 298:22, 298:23, 299:20, 306:4, 306:22, 308:6, 308:7, 308:24, 308:25, 309:6, 309:10, 309:12, 309:14, 309:16, 309:17, 309:19,</p> | <p>309:21, 311:14, 312:21, 313:13, 325:7, 325:9, 325:15, 327:6, 327:22, 328:9, 328:20, 329:2, 329:3, 329:9, 329:13, 329:17, 329:22, 335:15, 336:25, 337:3, 337:6</p> <p>skull-like [1] - 112:24</p> <p>skull-shape [1] - 43:1</p> <p>skull-shaped [52] - 41:1, 87:10, 89:22, 111:8, 111:21, 111:23, 112:12, 112:14, 113:3, 113:6, 119:17, 120:6, 121:4, 121:6, 121:11, 121:12, 121:13, 121:16, 168:20, 194:7, 195:7, 196:6, 206:12, 206:17, 206:21, 225:12, 226:22, 226:23, 256:5, 257:1, 273:12, 277:9, 278:9, 278:11, 283:11, 283:17, 288:23, 306:4, 309:6, 327:6, 327:22, 328:20, 329:2, 329:3, 329:9, 329:13, 329:17, 329:22, 335:15, 336:25, 337:3, 337:6</p> <p>skulls [31] - 122:10, 181:23, 268:6, 281:22, 286:6, 286:11, 299:14, 300:11, 301:5, 303:6, 303:11, 303:14, 303:17, 303:23, 305:10, 306:2, 306:13, 306:19, 306:25, 308:5, 308:23, 309:3, 321:14, 321:21, 325:11, 325:13, 337:18, 338:8, 338:12</p> <p>slanted [2] - 162:9, 162:13</p> <p>slate [1] - 236:16</p> <p>slide [28] - 100:2, 105:3, 117:10, 118:10, 119:21, 120:2, 120:7, 120:8, 120:11, 122:1, 123:1, 125:17, 128:21, 140:8, 142:7, 142:24,</p> | <p>153:9, 153:12, 153:14, 153:20, 162:18, 163:5, 163:6, 187:11, 187:15, 196:8, 344:14</p> <p>Slide [6] - 142:23, 160:6, 160:7, 187:1, 187:2, 194:20</p> <p>slides [6] - 109:21, 132:11, 164:11, 186:25, 187:6</p> <p>slight [2] - 75:16, 251:7</p> <p>slightly [1] - 110:20</p> <p>small [5] - 25:2, 106:8, 166:8, 244:14, 309:17</p> <p>smaller [5] - 40:6, 71:15, 134:15, 184:13, 196:15</p> <p>smart [1] - 157:16</p> <p>smell [5] - 227:24, 233:20, 233:21, 233:23</p> <p>smile [3] - 229:23, 272:21, 316:14</p> <p>smiling [2] - 236:9, 316:9</p> <p>Smirnoff [9] - 40:5, 40:8, 43:21, 67:19, 68:1, 84:10, 84:11, 142:14, 188:8</p> <p>Smirnoff's [1] - 85:4</p> <p>Smithsonian [5] - 224:24, 225:3, 295:21, 299:6, 299:25</p> <p>smoky [1] - 226:9</p> <p>smooth [4] - 317:1, 317:7, 317:9, 317:10</p> <p>snow [1] - 227:13</p> <p>so.. [2] - 65:7, 317:6</p> <p>social [3] - 26:17, 30:21, 242:20</p> <p>socket [1] - 315:5</p> <p>sockets [2] - 270:11, 270:12</p> <p>soda [1] - 236:22</p> <p>software [2] - 231:3, 231:13</p> <p>sold [10] - 26:22, 90:1, 97:14, 115:13, 115:14, 149:17, 171:7, 187:3, 189:24, 231:25</p> <p>solely [1] - 62:14</p> <p>solid [1] - 297:3</p> <p>solve [1] - 190:7</p> <p>someone [30] - 10:22, 12:2, 33:1, 78:14, 85:17, 97:25,</p> | <p>105:23, 108:8, 110:2, 150:13, 150:21, 155:12, 157:10, 157:13, 161:18, 168:23, 169:17, 183:8, 185:13, 187:24, 193:12, 212:7, 251:19, 261:15, 261:16, 272:7, 280:10, 289:4, 289:9, 289:13</p> <p>someplace [1] - 296:5</p> <p>sometime [3] - 7:20, 227:13, 312:7</p> <p>sometimes [12] - 47:4, 47:14, 62:6, 62:15, 95:1, 95:2, 95:6, 103:12, 212:10, 212:11, 228:5</p> <p>somewhat [2] - 99:18, 173:4</p> <p>somewhere [5] - 166:12, 198:10, 225:5, 297:10, 342:11</p> <p>son [1] - 259:24</p> <p>soon [5] - 14:9, 237:19, 240:21, 280:5, 280:12</p> <p>sooner [1] - 14:20</p> <p>sophisticated [4] - 64:15, 230:10, 290:20, 290:21</p> <p>sorry [24] - 35:20, 59:11, 73:20, 126:19, 156:8, 158:4, 183:13, 185:20, 194:13, 199:22, 209:13, 217:23, 248:19, 264:12, 269:12, 278:20, 286:4, 297:15, 321:11, 324:19, 330:20, 333:7, 335:9, 341:8</p> <p>sort [4] - 154:12, 239:12, 258:19, 293:2</p> <p>source [18] - 77:17, 77:25, 103:23, 104:1, 115:25, 127:12, 153:12, 154:13, 165:20, 181:11, 188:5, 190:6, 254:21, 256:20, 260:16, 261:15, 273:5, 289:1</p> <p>sourced [4] - 164:20, 165:15, 166:4, 232:20</p> <p>sources [1] - 64:7</p> <p>South [4] - 304:3, 321:6, 321:7, 322:2</p> <p>south [2] - 240:14,</p> |
|---|--|---|--|---|

| | | | | |
|---|--|--|--|---|
| <p>259:22 southern [1] - 215:18 space [1] - 235:9 Spain [1] - 321:9 Spanish [4] - 306:21, 307:2, 320:22, 321:6 speaker [1] - 258:21 speaking [12] - 57:16, 57:19, 61:24, 64:8, 64:17, 64:19, 64:20, 64:21, 65:6, 144:24, 221:3, 245:5 special [1] - 220:24 specialty [1] - 37:11 species [1] - 298:7 specific [16] - 49:25, 95:11, 96:9, 106:18, 108:14, 108:15, 111:20, 111:22, 113:24, 114:10, 156:20, 195:20, 196:6, 238:8, 238:10, 327:9 specifically [10] - 113:5, 114:8, 119:16, 120:6, 128:16, 155:6, 202:5, 281:17, 283:25, 339:6 specifics [3] - 203:9, 280:14, 280:17 specified [1] - 140:14 specify [1] - 283:11 spectacular [4] - 224:13, 241:17, 242:1, 244:13 spectrum [1] - 186:6 speeches [2] - 96:16 spell [4] - 24:5, 93:7, 200:24, 214:21 spend [5] - 152:12, 152:14, 152:18, 216:19, 216:23 spent [5] - 26:8, 27:5, 106:10, 217:2, 244:6 spheres [1] - 312:18 spirit [12] - 33:20, 35:1, 44:20, 62:17, 72:9, 88:1, 91:4, 207:1, 228:7, 241:1, 322:5 Spirit [1] - 250:7 Spirits [14] - 4:7, 4:21, 48:4, 144:22, 185:24, 187:22, 204:18, 204:20, 205:3, 208:20, 208:22, 230:6,</p> | <p>241:21, 276:10 SPIRITS [1] - 1:15 spirits [22] - 24:22, 25:10, 25:18, 27:3, 31:17, 34:16, 34:23, 43:10, 44:10, 44:11, 63:22, 64:15, 65:10, 65:12, 75:18, 75:20, 90:5, 111:13, 115:5, 115:7, 290:12, 292:11 spiritual [3] - 295:9, 322:23, 323:16 spiritualist [1] - 295:11 spirituality [2] - 241:1, 295:12 splitting [1] - 297:4 spoken [1] - 96:22 sponsored [16] - 104:5, 104:13, 104:21, 117:18, 117:22, 118:2, 118:18, 122:3, 127:1, 127:2, 127:4, 127:6, 164:20, 165:2, 165:15, 166:5 sponsorship [10] - 104:4, 104:8, 126:21, 127:13, 153:11, 254:22, 256:20, 257:18, 273:6 spout [13] - 162:9, 250:20, 250:22, 250:23, 251:1, 251:2, 251:5, 252:11, 252:22, 252:25, 253:2, 253:17 spouts [2] - 162:13, 253:5 spread [1] - 249:11 SPRING [1] - 1:24 squat [1] - 85:7 Squirt [47] - 99:13, 99:16, 100:4, 100:25, 101:1, 101:6, 101:12, 102:19, 102:21, 102:24, 105:2, 105:4, 108:17, 121:3, 122:20, 123:14, 125:4, 125:13, 125:20, 127:11, 127:23, 129:23, 129:24, 130:2, 130:3, 130:6, 138:22, 138:23, 138:25, 139:22, 143:6, 143:13, 143:15, 151:11, 153:16, 153:24, 154:6, 154:7, 156:7, 157:9, 159:6,</p> | <p>159:21, 160:8, 169:2, 193:9, 194:22 SS [1] - 347:6 St [3] - 189:25, 218:4, 218:5 staff [6] - 5:7, 12:6, 27:19, 27:22, 106:16, 106:17 stag [2] - 320:1, 320:3 stage [1] - 222:14 stages [1] - 42:11 stand [8] - 45:20, 92:25, 144:14, 214:14, 268:18, 276:4, 309:7, 330:15 standard [10] - 15:17, 61:19, 99:23, 107:15, 137:4, 137:13, 140:10, 144:25, 145:2, 262:14 standard-size [1] - 107:15 standing [2] - 19:10, 107:6 stands [1] - 95:21 staple [1] - 84:12 star [1] - 297:14 start [23] - 7:20, 17:20, 19:13, 25:1, 56:17, 56:22, 56:25, 57:12, 57:14, 58:3, 58:14, 58:17, 58:23, 83:14, 100:6, 108:25, 179:25, 198:16, 222:10, 237:17, 243:21, 254:8 start-up [4] - 25:1, 56:22, 58:14, 83:14 start-up's [1] - 58:17 start-ups [6] - 56:17, 56:25, 57:12, 57:14, 58:3, 58:23 started [14] - 18:25, 26:6, 28:25, 116:1, 123:14, 124:14, 155:23, 202:25, 203:20, 219:1, 221:22, 236:12, 284:23 starting [4] - 51:4, 56:25, 124:15, 237:13 starts [5] - 58:4, 107:4, 232:18, 262:24, 283:13 STATE [1] - 347:7 State [1] - 96:13 state [16] - 4:9, 24:5, 41:14, 41:18, 41:19, 46:5, 67:12, 78:9,</p> | <p>90:4, 91:2, 93:7, 200:23, 214:20, 233:3, 264:15, 320:14 state-owned [1] - 233:3 statement [11] - 47:20, 147:4, 147:21, 149:19, 234:20, 275:15, 299:13, 311:1, 312:8, 335:22 statements [3] - 94:18, 94:23, 213:4 stater [1] - 240:8 states [8] - 41:22, 105:10, 105:14, 105:15, 142:10, 227:6, 239:18 States [20] - 32:5, 41:10, 75:25, 76:8, 76:9, 76:23, 77:7, 77:19, 80:10, 81:7, 114:20, 114:25, 115:2, 115:9, 132:16, 142:15, 215:12, 227:4, 291:12, 329:22 STATES [6] - 1:1, 1:2, 1:8, 347:10, 347:12, 347:17 station [1] - 221:2 statistic [1] - 292:11 statistically [1] - 166:18 statistics [2] - 78:6, 96:1 status [4] - 38:11, 38:12, 39:1, 87:25 stay [7] - 10:24, 199:10, 199:14, 199:18, 199:19 stayed [4] - 156:21, 229:7, 296:3 staying [2] - 87:23, 199:11 steak [2] - 32:22 steel [2] - 231:1, 231:2 stem [2] - 162:3, 162:5 STENOGRAPHICA LLY [1] - 347:14 step [3] - 90:22, 90:24, 338:14 steps [3] - 91:3, 262:2, 262:4 Stern [1] - 302:3 stern [1] - 287:8 stick [2] - 71:20, 72:12 still [20] - 8:19, 19:10, 45:17, 67:9,</p> | <p>71:16, 75:19, 144:19, 147:22, 155:10, 197:22, 210:8, 220:5, 223:25, 233:1, 233:3, 287:11, 308:5, 308:23, 308:25, 337:6 stint [1] - 221:14 stock [1] - 273:16 stocked [1] - 210:11 stole [1] - 223:16 stop [5] - 226:2, 234:6, 277:7, 277:9, 329:4 stopper [1] - 112:18 stopping [1] - 123:7 store [39] - 37:9, 40:22, 48:9, 48:11, 48:18, 48:23, 55:21, 91:1, 101:3, 101:10, 103:3, 103:6, 104:16, 104:18, 108:19, 115:16, 139:11, 153:7, 161:6, 168:20, 168:22, 171:9, 171:15, 194:18, 194:19, 203:25, 204:1, 205:6, 205:16, 209:1, 210:11, 214:2, 238:8, 238:11, 238:16, 273:17, 298:17 Store [1] - 202:7 stores [22] - 30:22, 38:24, 42:4, 90:16, 90:18, 90:19, 109:4, 114:8, 114:9, 114:11, 114:12, 114:21, 114:22, 115:11, 151:16, 169:8, 171:2, 201:23, 202:6, 209:9, 240:4, 240:7 stories [1] - 338:12 story [27] - 33:16, 34:14, 39:2, 82:19, 82:22, 82:23, 82:25, 83:10, 185:1, 228:9, 228:15, 240:23, 241:12, 242:24, 244:16, 254:15, 295:7, 296:7, 296:8, 297:24, 300:12, 300:15, 300:24, 300:25, 301:22, 303:15, 303:19 straight [9] - 120:10, 162:3, 163:7, 228:6, 251:1, 251:14, 251:16, 252:18, 252:25 straight-up [1] -</p> |
|---|--|--|--|---|

| | | | | |
|---|--|--|---|---|
| <p>252:25 straightforward [2] - 100:9, 140:23 strategic [3] - 25:6, 27:17, 27:24 strategies [2] - 28:21, 94:8 strategy [10] - 27:13, 39:9, 39:12, 81:10, 81:14, 81:16, 81:20, 95:25, 96:19, 96:25 Strategy [5] - 93:21, 93:22, 93:25, 97:3, 172:16 STREET [4] - 1:24, 2:5, 2:8, 2:19 stress [2] - 70:10, 241:12 stretch [3] - 45:20, 144:14, 276:4 stricken [4] - 47:5, 47:8, 47:20, 268:3 strictly [3] - 20:3, 48:17, 74:19 strike [3] - 89:2, 216:20, 230:4 striking [1] - 120:17 strikingly [1] - 127:22 strip [2] - 233:11, 234:1 stripped [1] - 227:22 strive [1] - 37:5 striven [1] - 70:10 striving [1] - 159:25 stroke [1] - 32:15 strong [2] - 42:25, 83:10 struck [2] - 254:16, 268:8 structure [2] - 192:1, 193:7 structured [2] - 191:23, 191:24 struggling [1] - 66:24 stuck [1] - 296:21 studied [1] - 153:4 studies [6] - 96:11, 131:6, 144:24, 176:10, 333:11, 334:1 studio [1] - 275:21 study [35] - 132:23, 136:2, 136:3, 137:3, 137:4, 138:15, 144:24, 145:6, 146:2, 147:23, 147:25, 148:2, 148:3, 148:6, 148:12, 149:2, 149:25, 151:11,</p> | <p>153:21, 153:24, 155:19, 156:7, 157:9, 165:4, 165:6, 167:2, 191:22, 191:23, 196:4, 334:3, 334:7, 334:9 Study [1] - 96:12 studying [2] - 149:22, 152:13 stuff [5] - 239:7, 248:14, 322:3, 327:15, 331:20 stuffs [1] - 257:5 sub [2] - 201:16, 332:23 subdivision [1] - 215:20 subject [4] - 157:5, 225:24, 273:7, 338:25 submission [2] - 6:5, 281:18 submit [3] - 14:7, 30:3, 30:5 submitted [9] - 12:25, 28:7, 54:18, 156:6, 156:10, 182:6, 182:20, 280:13, 281:15 submitting [2] - 280:15, 281:10 subsequent [1] - 296:18 subsequently [4] - 219:20, 223:21, 237:6, 265:1 substantial [11] - 98:16, 121:1, 144:5, 146:1, 152:12, 152:15, 307:10, 307:14, 307:15, 309:4, 337:12 substantially [3] - 166:24, 308:3, 308:21 substantive [1] - 176:1 substitute [2] - 71:6, 71:10 substitutes [1] - 139:17 subtract [2] - 120:11, 195:19 subtracted [2] - 195:15, 195:22 subtracting [2] - 196:11, 196:15 succeed [3] - 35:9, 59:3, 61:20 success [16] - 38:1, 39:5, 39:7, 39:11, 40:14, 43:3, 43:5,</p> | <p>57:15, 57:20, 58:10, 58:16, 61:24, 81:23, 82:1, 82:18, 83:14 successful [6] - 40:10, 57:21, 62:12, 82:7, 82:10, 82:11 successfully [2] - 25:12, 42:21 succession [3] - 103:18, 139:13, 139:22 sucrose [1] - 228:2 sufficient [3] - 71:1, 138:19, 138:20 sugar [4] - 181:24, 228:5, 228:6, 234:16 sugars [1] - 233:13 suggest [6] - 13:19, 57:20, 61:22, 65:20, 185:7, 257:3 suggested [7] - 69:10, 163:13, 210:22, 257:5, 282:1, 327:9, 343:17 suggesting [6] - 163:22, 164:7, 168:11, 168:14, 271:23, 282:2 suggestion [1] - 114:2 suggestiveness [2] - 194:16, 194:17 suit [2] - 40:15, 273:2 SUITE [1] - 2:19 summer [3] - 223:2, 226:8, 232:5 super [23] - 31:8, 31:11, 31:12, 36:17, 36:22, 37:2, 37:4, 63:21, 63:22, 64:1, 64:12, 64:14, 68:21, 114:13, 114:15, 114:16, 114:25, 115:14, 158:9, 290:15, 291:18, 292:23, 333:13 superb [1] - 255:23 superior [1] - 290:22 supermarket [1] - 101:2 supermarkets [1] - 257:6 supplement [1] - 218:22 supplemental [1] - 264:7 supplier [2] - 204:24, 205:2 suppliers [2] - 43:16,</p> | <p>213:12 supply [1] - 204:24 support [2] - 157:7, 157:8 supported [3] - 39:3, 180:5, 180:9 suppose [2] - 325:19, 332:6 supposed [2] - 159:21, 196:20 suppress [1] - 300:16 surprising [1] - 127:25 survey [126] - 99:4, 99:13, 100:4, 100:5, 100:7, 100:8, 100:23, 100:25, 101:1, 101:21, 102:20, 102:22, 102:24, 105:5, 106:4, 106:6, 106:21, 107:24, 108:4, 111:10, 113:22, 119:9, 123:5, 123:14, 124:17, 125:4, 125:13, 125:16, 125:20, 127:11, 127:16, 127:23, 129:23, 129:24, 130:2, 130:3, 131:8, 132:5, 136:10, 136:11, 137:25, 138:2, 138:3, 138:8, 138:10, 138:23, 138:25, 139:23, 140:13, 142:25, 143:7, 143:9, 143:10, 143:13, 143:15, 143:17, 148:17, 149:8, 153:8, 153:15, 153:16, 154:6, 154:8, 154:17, 155:10, 156:6, 156:10, 156:13, 156:16, 156:21, 156:23, 157:5, 159:6, 159:15, 159:21, 160:4, 160:8, 168:16, 168:17, 169:2, 170:12, 171:19, 171:20, 172:12, 172:20, 172:22, 173:10, 173:24, 174:3, 174:6, 174:11, 174:20, 174:22, 176:7, 176:12, 176:14, 177:15, 178:7, 178:10, 178:11, 178:15, 178:19, 178:25, 179:4,</p> | <p>182:21, 191:3, 191:11, 192:1, 192:4, 192:16, 192:21, 192:23, 193:1, 193:2, 193:9, 193:11, 194:4, 194:5, 194:16, 194:22, 195:25, 291:24, 292:10 Survey [1] - 99:5 surveyed [1] - 138:1 surveyor [1] - 219:14 surveys [30] - 86:2, 94:5, 94:25, 95:1, 95:7, 95:9, 96:19, 96:24, 97:1, 97:2, 97:7, 97:8, 97:10, 97:19, 98:23, 98:25, 99:3, 99:7, 99:8, 99:9, 99:10, 99:11, 99:12, 103:22, 129:10, 131:7, 144:25, 175:14, 176:3, 292:3 suspect [1] - 44:8 sustain [3] - 46:23, 47:1, 312:3 sustained [6] - 8:8, 89:12, 90:11, 177:17, 177:19, 286:21 sustains [2] - 47:16, 47:19 SWAINE [1] - 2:14 swear [2] - 23:21, 214:19 Sweden [1] - 76:18 sweet [3] - 228:1, 232:24, 242:7 sweetness [2] - 234:15, 234:16 swept [1] - 162:5 switched [2] - 310:13, 310:16 swoosh [2] - 329:15, 329:23 sworn [5] - 24:2, 49:21, 93:4, 200:21, 214:18 symbolize [1] - 181:25 syndicated [3] - 28:14, 30:20, 36:1 synonymous [1] - 37:6 system [3] - 41:15, 78:4, 231:6 Systems [1] - 226:6 T T-shirt [3] - 104:10,</p> |
|---|--|--|---|---|

| | | | | |
|--|--|---|---|--|
| <p>104:12, 104:13 table [4] - 21:23, 124:10, 124:22, 238:21 Tahlequah [1] - 6:3 TAKEN [3] - 22:23, 92:14, 200:13 talent [1] - 224:9 talented [1] - 231:9 tall [4] - 37:21, 40:13, 85:4, 163:7 taller [1] - 313:22 Tallinna [1] - 43:20 Tampa [2] - 238:3, 238:12 Tanqueray [1] - 37:17 Tanteo [9] - 68:16, 68:18, 68:21, 68:25, 69:7, 69:9, 69:12, 69:15, 70:2 tape [2] - 314:1, 314:4 target [3] - 290:23, 291:1, 291:3 targets [1] - 42:14 task [5] - 135:13, 135:15, 136:4, 136:5, 136:7 taste [15] - 65:12, 65:14, 65:21, 66:17, 66:18, 66:25, 67:2, 67:9, 228:2, 233:14, 234:4, 234:15, 236:14, 261:1, 323:17 Taste [1] - 241:25 tasted [2] - 83:18, 213:25 tasteless [5] - 65:18, 66:11, 66:14, 66:22, 68:3 tasting [4] - 213:24, 241:16, 242:5, 290:22 taught [1] - 96:2 Taylor [5] - 26:8, 26:12, 26:20, 26:25, 27:2 teacher [1] - 323:12 teaching [1] - 96:2 team [2] - 21:22, 104:10 technician [3] - 11:24, 21:20, 219:9 technology [1] - 9:13 teens [1] - 166:13 teeth [3] - 316:15, 316:22 Television [2] - 220:8, 220:9 television [7] -</p> | <p>220:24, 221:9, 237:4, 237:5, 237:8, 237:15 Temecula [2] - 240:9, 240:15 temperature [1] - 331:19 temples [3] - 314:21, 314:24, 315:2 ten [11] - 12:22, 13:1, 20:18, 20:24, 26:1, 184:6, 198:8, 198:9, 275:14, 275:19, 330:14 tend [2] - 22:7, 62:24 tending [1] - 248:18 Tequila [124] - 31:2, 31:3, 31:10, 33:2, 39:9, 43:19, 43:20, 43:22, 44:2, 44:3, 44:17, 45:2, 48:8, 48:22, 51:8, 51:11, 51:16, 56:14, 68:18, 68:24, 68:25, 69:4, 69:12, 70:3, 82:14, 83:1, 83:3, 83:18, 83:20, 84:15, 85:13, 86:20, 98:12, 125:14, 143:25, 146:3, 146:20, 147:14, 148:23, 149:22, 181:15, 181:22, 182:10, 182:12, 182:24, 186:7, 188:19, 189:1, 191:5, 191:6, 192:5, 194:3, 206:21, 206:23, 207:4, 207:8, 207:25, 208:17, 209:14, 209:22, 210:1, 210:6, 210:9, 210:14, 210:23, 226:1, 226:6, 245:22, 249:15, 250:7, 251:8, 251:25, 253:22, 255:3, 255:23, 255:25, 257:21, 259:6, 260:13, 260:20, 273:12, 274:19, 277:7, 279:17, 287:11, 287:19, 303:16, 303:19, 306:1, 307:8, 308:1, 308:19, 310:9, 310:15, 310:20, 310:23, 312:7, 312:14, 312:24, 313:20, 313:23, 314:1, 314:3, 314:17, 315:1, 315:10, 315:17, 316:12,</p> | <p>316:25, 317:10, 317:16, 318:3, 318:8, 318:16, 319:4, 319:16, 319:18, 319:19, 325:4, 326:7, 326:24, 327:20, 329:4 tequila [114] - 32:3, 35:12, 35:24, 36:5, 36:8, 36:14, 36:15, 36:16, 43:11, 43:17, 43:23, 44:12, 44:16, 63:5, 63:23, 64:11, 65:11, 65:15, 67:1, 67:4, 67:10, 68:4, 68:7, 68:8, 68:9, 68:10, 68:13, 68:21, 68:22, 70:3, 70:5, 70:17, 70:22, 71:7, 71:11, 71:16, 83:21, 84:3, 84:13, 84:18, 85:18, 86:25, 101:10, 105:11, 105:13, 107:13, 107:16, 108:3, 111:7, 114:14, 114:20, 114:24, 115:16, 122:24, 139:12, 140:24, 141:2, 141:6, 141:11, 141:12, 141:13, 141:15, 141:19, 141:24, 142:2, 142:9, 142:19, 147:13, 149:17, 150:3, 158:19, 158:23, 159:2, 159:11, 160:12, 160:17, 160:18, 161:5, 162:20, 169:10, 181:4, 181:6, 185:10, 187:3, 187:24, 206:21, 225:20, 226:17, 226:22, 227:1, 227:3, 227:5, 227:8, 227:21, 250:25, 255:2, 255:10, 255:13, 255:21, 256:13, 259:9, 259:16, 318:23, 323:24, 324:21, 327:25, 328:9, 328:20, 329:7 tequilas [19] - 70:8, 108:20, 108:22, 110:4, 110:8, 114:6, 114:14, 114:17, 115:7, 115:15, 142:6, 142:8, 158:9, 158:10, 179:21, 188:11, 188:13, 193:12 Tequilas [1] - 189:8 term [2] - 119:7,</p> | <p>119:8 terms [11] - 7:15, 61:22, 88:15, 247:13, 272:4, 290:21, 300:8, 307:11, 308:4, 308:22, 331:15 terrible [1] - 232:1 test [27] - 100:14, 102:3, 102:5, 102:18, 103:21, 105:1, 105:2, 105:4, 112:11, 113:4, 113:14, 119:10, 121:3, 121:7, 122:18, 122:20, 122:21, 124:20, 125:1, 147:8, 168:22, 169:16, 169:17, 169:20, 194:12, 231:14 tested [10] - 103:22, 107:16, 110:18, 110:19, 110:22, 114:2, 139:2, 142:8, 143:14, 163:14 testified [23] - 24:2, 47:13, 50:13, 50:14, 52:2, 54:12, 58:6, 75:17, 81:9, 84:1, 93:4, 170:6, 172:22, 175:1, 176:2, 200:21, 214:18, 278:2, 278:12, 282:13, 289:17, 316:7, 325:20 testify [6] - 176:20, 176:21, 260:7, 286:17, 342:4, 343:3 testifying [10] - 23:7, 46:21, 92:10, 173:16, 209:5, 341:9, 341:10, 341:17, 341:24, 344:12 testimony [40] - 6:18, 9:21, 10:5, 14:14, 14:15, 14:21, 22:1, 23:14, 23:16, 36:10, 46:3, 46:6, 46:7, 47:20, 48:7, 49:7, 49:17, 49:21, 50:6, 50:7, 50:8, 50:13, 50:15, 50:18, 69:18, 84:23, 91:21, 92:1, 166:14, 211:1, 223:13, 255:18, 280:7, 286:20, 309:3, 337:8, 341:7, 343:22, 345:14 testing [2] - 103:21, 144:8 tests [3] - 100:1, 128:15, 323:9 TEXAS [1] - 2:6</p> | <p>Texas [2] - 239:24, 259:22 text [8] - 105:3, 184:20, 185:19, 185:20, 186:3, 186:19, 318:25, 319:3 texture [1] - 317:9 THAT [2] - 347:11, 347:15 THE [276] - 4:6, 4:12, 4:16, 4:19, 4:24, 5:2, 6:12, 6:16, 7:14, 8:3, 8:6, 8:16, 9:10, 9:16, 10:10, 10:13, 10:18, 11:18, 12:16, 12:18, 13:3, 13:6, 13:19, 14:8, 14:18, 15:4, 15:9, 15:17, 15:20, 16:2, 16:6, 16:11, 16:16, 17:18, 18:1, 19:3, 19:13, 19:19, 19:24, 20:5, 20:14, 20:16, 20:21, 21:1, 21:16, 21:19, 21:24, 22:5, 22:8, 22:15, 22:18, 22:20, 22:21, 22:25, 23:5, 23:23, 24:4, 24:5, 24:7, 45:16, 45:20, 47:24, 49:3, 49:8, 49:11, 49:15, 50:22, 51:1, 59:8, 59:11, 69:20, 70:1, 73:7, 73:11, 73:12, 73:13, 78:23, 78:25, 79:6, 79:8, 79:10, 79:14, 79:19, 79:24, 80:13, 81:2, 81:3, 86:10, 87:5, 87:7, 88:20, 88:24, 89:2, 89:12, 90:11, 91:7, 91:9, 91:11, 91:15, 91:17, 91:21, 91:25, 92:4, 92:7, 92:12, 92:15, 92:18, 92:25, 93:5, 93:6, 93:8, 93:10, 105:4, 123:23, 124:2, 124:4, 144:13, 151:4, 151:8, 154:15, 163:25, 165:17, 170:1, 174:7, 175:17, 175:21, 177:17, 177:19, 178:1, 178:4, 182:14, 182:17, 183:11, 183:23, 184:3, 184:8, 192:12, 196:22, 196:24, 197:1, 197:17, 197:18, 197:19, 198:2, 198:7, 198:9, 198:12,</p> |
|--|--|---|---|--|

| | | | | |
|--|--|--|--|---|
| <p>198:19, 198:24, 199:5, 199:9, 199:23, 199:25, 200:14, 200:18, 200:22, 200:23, 200:25, 208:6, 211:24, 212:3, 214:5, 214:7, 214:9, 214:15, 214:19, 214:20, 214:22, 214:24, 215:17, 252:4, 264:15, 266:10, 266:14, 268:19, 268:23, 268:24, 269:3, 269:5, 269:15, 269:16, 274:2, 274:10, 274:11, 276:2, 276:6, 276:20, 276:23, 280:21, 280:25, 281:2, 281:12, 281:14, 284:4, 284:8, 284:12, 284:15, 284:17, 285:17, 285:21, 286:21, 287:14, 287:16, 293:10, 297:19, 304:7, 304:14, 304:19, 304:23, 304:25, 305:3, 305:6, 306:10, 307:19, 307:24, 308:13, 308:17, 311:19, 312:1, 312:3, 313:7, 313:9, 313:14, 324:4, 324:6, 324:7, 324:8, 324:12, 328:13, 328:17, 330:6, 330:8, 330:12, 330:16, 332:12, 338:14, 338:21, 338:23, 339:8, 340:5, 340:13, 340:16, 340:24, 341:3, 341:9, 341:13, 341:20, 341:22, 342:1, 342:8, 342:12, 342:15, 342:18, 342:22, 343:4, 343:6, 343:11, 343:14, 344:1, 344:3, 344:21, 344:25, 345:6, 345:15, 345:21, 345:25, 347:10, 347:12, 347:13, 347:14, 347:15, 347:16, 347:17 theater [1] - 221:17 theirs [2] - 207:17, 334:19 themselves [1] - 61:14 thereafter [2] -</p> | <p>40:11, 103:5 therefore [2] - 44:14, 209:17 thesis [1] - 96:4 they've [7] - 107:11, 131:1, 167:8, 190:25, 231:25, 334:20 thin [1] - 85:4 thing's [1] - 298:11 thinking [4] - 94:4, 225:16, 227:10, 299:11 thinks [1] - 46:18 third [11] - 36:19, 75:20, 94:24, 107:12, 131:19, 133:8, 143:5, 181:8, 181:18, 216:17, 239:8 thirds [2] - 141:1, 141:10 Thomas [1] - 345:9 THOMAS [1] - 2:14 thousand [3] - 97:6, 326:4, 326:5 thousands [6] - 57:7, 57:9, 57:10, 59:2, 89:19, 255:20 three [58] - 24:25, 28:2, 32:5, 41:15, 42:21, 55:9, 78:4, 91:3, 94:8, 109:6, 110:18, 111:1, 111:2, 112:13, 113:1, 113:13, 114:6, 115:10, 118:25, 119:2, 119:19, 120:9, 122:5, 132:4, 132:6, 132:8, 132:24, 133:5, 133:22, 138:1, 142:4, 142:6, 142:13, 152:9, 170:8, 171:10, 171:16, 173:21, 182:9, 186:20, 186:21, 193:8, 193:14, 193:18, 199:12, 216:11, 218:19, 234:2, 244:5, 245:17, 253:13, 269:17, 270:23, 270:24, 288:8, 288:10, 288:13, 288:14 Three [1] - 43:24 three-quarter [3] - 288:8, 288:13, 288:14 three-tier [2] - 41:15, 78:4 three-year [1] - 28:2 threshold [1] - 58:22 threw [1] - 275:4</p> | <p>thrilled [1] - 232:9 throughout [3] - 122:22, 140:11, 317:9 Throw [1] - 323:21 THURSDAY [2] - 1:20, 4:2 Thursday [1] - 18:4 tie [1] - 305:22 tier [2] - 41:15, 78:4 ties [1] - 185:1 tilt [1] - 253:17 tilted [3] - 252:11, 252:12, 252:22 timing [3] - 7:10, 19:11, 341:2 tiny [2] - 180:21, 337:11 tirelessly [1] - 301:11 TITLE [1] - 347:12 title [4] - 80:1, 90:7, 187:11, 293:16 Tito's [2] - 76:11, 76:14 TO [1] - 347:12 today [54] - 7:19, 10:6, 10:12, 10:13, 10:25, 11:4, 11:7, 11:16, 12:7, 12:8, 12:12, 12:22, 16:23, 25:7, 30:3, 30:8, 32:4, 33:11, 36:11, 43:8, 54:9, 69:12, 73:17, 75:6, 75:17, 75:19, 144:9, 171:23, 173:16, 185:22, 197:6, 197:9, 197:22, 198:13, 198:17, 199:12, 199:19, 200:2, 201:7, 209:5, 239:14, 260:17, 275:9, 285:25, 303:13, 309:7, 309:22, 313:14, 315:8, 321:2, 338:15, 339:9, 341:7 today's [2] - 5:15, 70:12 together [13] - 7:6, 67:7, 164:12, 171:11, 222:12, 222:13, 226:13, 229:11, 281:23, 286:10, 333:3, 333:4, 341:12 Tokey [7] - 177:21, 178:7, 192:16, 192:21, 192:23, 193:3, 193:7 Tom [2] - 13:10, 144:21</p> | <p>tomorrow [36] - 5:10, 6:8, 7:22, 8:13, 8:17, 8:20, 9:1, 9:2, 9:18, 9:21, 9:23, 10:1, 10:11, 10:25, 11:8, 11:16, 16:23, 17:14, 338:16, 338:19, 338:24, 338:25, 339:12, 340:14, 340:17, 340:22, 341:15, 343:9, 343:16, 343:19, 344:6, 344:12, 344:24, 345:10, 345:14, 345:23 tomorrow's [2] - 9:17, 338:17 tongue [1] - 242:4 tonight [1] - 344:4 took [34] - 25:12, 48:21, 95:25, 114:2, 138:18, 154:24, 155:2, 155:8, 155:12, 156:18, 157:10, 161:12, 161:13, 161:14, 163:11, 171:2, 182:5, 186:15, 191:13, 195:20, 195:21, 204:1, 211:15, 228:24, 229:3, 229:4, 235:19, 270:17, 275:11, 282:18, 282:23, 297:2, 326:20, 333:12 tools [1] - 28:20 top [32] - 37:20, 38:6, 85:10, 112:18, 132:8, 137:21, 155:22, 157:24, 162:9, 183:19, 184:21, 186:19, 187:21, 189:1, 210:15, 250:6, 264:20, 264:22, 264:25, 265:3, 265:5, 265:13, 265:14, 266:17, 267:13, 269:23, 270:3, 270:4, 270:5, 270:13, 270:19, 296:21 topic [2] - 322:4, 323:23 topics [2] - 96:18, 96:24 tops [3] - 266:20, 266:21, 267:2 Toronto [7] - 219:21, 220:23, 221:2, 221:12, 221:24, 221:25, 246:2 Total [2] - 238:10,</p> | <p>303:9 total [7] - 19:22, 31:8, 105:19, 110:23, 123:2, 143:2, 282:23 totally [1] - 334:20 touch [4] - 34:21, 317:1, 322:24, 323:19 touched [1] - 232:25 tour [3] - 237:17, 237:24, 238:2 towards [6] - 32:3, 37:1, 37:2, 76:11, 137:7 town [4] - 217:16, 226:12, 237:15, 238:19 Toyota [1] - 242:21 track [1] - 19:1 traction [1] - 57:19 Trade [2] - 95:4, 175:10 trade [34] - 38:17, 88:17, 230:6, 235:17, 249:23, 256:17, 258:1, 258:17, 260:12, 260:15, 262:3, 262:15, 262:17, 264:8, 326:22, 327:7, 327:21, 328:7, 329:5, 329:10, 329:15, 329:19, 329:25, 335:4, 335:8, 335:9, 335:10, 335:12, 335:22, 335:25, 336:2, 336:4, 336:6, 336:8 Trademark [2] - 97:17, 97:18 trademark [31] - 12:23, 13:4, 262:5, 263:22, 264:4, 264:10, 265:4, 277:24, 278:7, 278:13, 279:3, 279:14, 279:15, 283:2, 283:4, 283:12, 283:19, 283:23, 284:1, 334:22, 334:25, 335:5, 335:7, 335:12, 335:14, 336:16, 336:25, 340:4 Trademarks [1] - 129:9 trademarks [9] - 13:13, 13:14, 95:13, 97:19, 97:20, 339:7, 339:24, 339:25, 345:12 traditional [1] -</p> |
|--|--|--|--|---|

| | | | | |
|---|---|--|---|---|
| <p>181:23 trained [3] - 95:16, 106:19, 123:11 trainee [1] - 26:7 transcend [1] - 32:14 transcended [1] - 87:25 TRANSCRIPT [3] - 1:19, 347:13, 347:15 translated [1] - 231:5 Transport [1] - 219:8 transportation [1] - 11:4 travel [1] - 11:1 TRAVIS [1] - 2:5 tread [1] - 345:20 treasure [2] - 321:7, 321:17 treasures [1] - 322:2 treated [1] - 23:14 treatise [1] - 129:8 tremendous [1] - 76:19 trend [5] - 58:20, 71:17, 71:22, 75:15, 75:16 trends [8] - 31:7, 31:8, 31:17, 33:18, 33:19, 34:2, 35:17, 36:9 trial [10] - 11:14, 30:17, 30:18, 45:23, 47:13, 49:22, 50:13, 50:15, 284:23, 285:3 TRIAL [1] - 1:19 triangular [1] - 271:2 tribe [1] - 228:13 tribe's [1] - 296:2 tribes [1] - 299:13 tribute [1] - 244:20 tried [1] - 234:2 tries [1] - 78:11 trip [1] - 239:13 triple [1] - 320:18 trouble [1] - 317:3 troubling [1] - 190:3 truck [2] - 203:20, 219:20 true [11] - 53:14, 66:2, 71:7, 170:22, 171:4, 172:7, 172:14, 223:15, 327:7, 334:17, 337:13 TRUE [1] - 347:13 truth [2] - 49:23, 178:1 try [18] - 20:15, 22:6, 33:11, 34:11, 61:15, 158:17, 164:2, 165:19, 198:25,</p> | <p>199:1, 199:15, 233:25, 234:2, 255:6, 256:16, 291:2, 292:13 trying [5] - 65:5, 256:12, 256:15, 256:16, 341:13 Tuesday [9] - 7:13, 8:21, 9:1, 9:6, 12:24, 14:3, 17:15, 17:24, 344:9 Tundra [1] - 219:15 turn [7] - 38:25, 42:25, 55:1, 58:10, 243:23, 291:14, 325:12 turn-out [1] - 38:25 turned [1] - 227:13 turning [4] - 143:12, 149:3, 149:5, 149:6 TV [2] - 221:2, 301:24 tweak [1] - 331:16 tweaked [1] - 331:17 tweaking [1] - 331:13 twice [1] - 241:22 twin [3] - 217:17, 217:18 two [105] - 21:4, 55:9, 55:12, 64:11, 80:10, 86:6, 86:15, 95:12, 95:13, 96:12, 97:11, 98:17, 99:8, 99:9, 99:25, 100:7, 103:22, 104:4, 107:17, 112:16, 113:23, 115:23, 121:3, 121:6, 121:16, 128:1, 128:5, 128:8, 128:10, 128:11, 128:12, 128:20, 129:22, 130:5, 130:25, 131:6, 131:7, 132:5, 133:3, 133:21, 139:8, 140:22, 141:1, 141:10, 143:17, 144:6, 154:15, 164:10, 167:4, 168:13, 168:17, 168:19, 171:10, 176:2, 183:10, 185:7, 185:20, 186:10, 187:6, 191:16, 193:18, 194:7, 194:10, 194:15, 194:18, 199:15, 205:23, 207:11, 210:4, 213:17, 216:13, 217:4, 221:20, 221:24,</p> | <p>223:18, 225:11, 227:15, 229:17, 237:24, 239:19, 241:23, 243:18, 244:12, 244:18, 244:22, 245:3, 245:4, 245:13, 253:13, 255:21, 271:24, 276:9, 288:8, 288:12, 288:14, 295:18, 299:23, 299:25, 316:18, 323:1, 328:16, 338:11, 338:12, 339:22, 340:1 two-minutes [1] - 227:15 two-thirds [2] - 141:1, 141:10 type [6] - 40:9, 59:20, 207:1, 255:7, 318:22, 328:1 types [6] - 24:25, 59:23, 61:1, 61:25, 99:8, 325:10 typical [1] - 238:7 typically [9] - 10:19, 11:1, 41:9, 41:20, 84:17, 94:4, 109:4, 171:7, 171:16 typo [1] - 186:9</p> | <p>212:10, 212:11, 223:9, 232:22, 243:18, 249:21, 251:18, 256:17, 293:6, 294:8, 314:1, 314:5, 333:1 underline [1] - 293:13 underneath [2] - 185:19, 186:19 underscored [1] - 293:18 understood [2] - 63:20, 342:8 undertake [2] - 137:5 undertaken [1] - 174:12 undoubtedly [1] - 282:11 unearthed [1] - 185:2 unfair [4] - 121:6, 194:3, 194:9, 194:13 Unfair [1] - 129:9 unfairly [1] - 168:14 unfamiliar [1] - 172:18 unfortunately [1] - 11:13 union [3] - 219:24, 220:5, 220:18 Union [2] - 220:1, 220:12 unions [1] - 220:6 unique [12] - 61:25, 62:14, 89:25, 122:13, 132:17, 132:20, 161:2, 161:4, 161:8, 206:3, 213:22, 338:5 uniqueness [1] - 213:23 Unit [1] - 220:2 United [21] - 32:5, 41:10, 75:24, 76:7, 76:9, 76:23, 77:7, 77:19, 80:10, 81:7, 114:20, 114:25, 115:2, 115:9, 132:15, 142:10, 142:15, 215:12, 227:4, 291:12, 329:21 UNITED [6] - 1:1, 1:2, 1:8, 347:10, 347:12, 347:17 University [3] - 95:18, 96:13, 96:14 unless [3] - 10:22, 158:6, 200:5 unloaded [1] - 219:2 unquestionable [1] -</p> | <p>225:9 unquestionably [1] - 337:23 unrealistic [1] - 178:16 unusual [3] - 84:1, 107:21, 188:1 unusually [1] - 191:17 up [118] - 8:19, 12:12, 12:19, 20:20, 20:23, 25:1, 28:13, 42:9, 42:12, 45:1, 56:22, 56:25, 58:14, 62:1, 74:11, 83:14, 101:11, 110:19, 110:21, 114:2, 128:4, 128:7, 145:23, 153:9, 154:9, 155:20, 156:1, 160:6, 164:11, 168:16, 171:10, 173:1, 173:3, 174:5, 180:11, 181:21, 183:17, 185:19, 186:3, 187:1, 188:25, 189:16, 193:23, 193:24, 194:20, 195:14, 195:24, 196:2, 196:3, 196:12, 196:18, 203:10, 204:4, 205:22, 217:2, 225:24, 227:2, 227:10, 227:12, 227:16, 227:24, 229:1, 231:10, 231:23, 232:1, 233:13, 238:4, 238:14, 238:17, 238:20, 238:22, 239:8, 239:15, 240:17, 241:4, 243:21, 247:15, 247:25, 250:11, 250:14, 251:1, 251:3, 251:15, 251:16, 252:18, 252:25, 254:3, 254:8, 258:18, 259:8, 259:20, 259:24, 259:25, 263:8, 268:18, 268:21, 269:14, 272:6, 277:21, 277:22, 278:25, 282:2, 282:5, 286:23, 287:1, 287:10, 291:4, 292:16, 292:17, 314:4, 314:23, 317:3, 328:8, 331:11, 332:17, 334:25, 336:7, 345:5</p> |
| U | | | | |
| <p>U.S [6] - 25:4, 27:4, 31:22, 74:25, 189:24, 294:21 U.S.A [1] - 27:2 Ultima [1] - 142:10 Ultimat [1] - 187:21 ultimate [1] - 195:16 ultimately [3] - 28:23, 96:3, 209:9 Ultmat [3] - 142:10, 188:4, 188:5 umbrella [1] - 333:1 unable [1] - 151:5 unacceptable [2] - 254:25, 261:17 unaided [2] - 136:7, 136:10 unassisted [1] - 136:7 unbelievable [1] - 342:20 uncovered [1] - 298:24 under [19] - 43:17, 49:22, 71:10, 80:5, 149:18, 171:5,</p> | | | | |

| | | | | |
|--|--|---|--|---|
| <p>Up ^[1] - 244:16 up's ^[1] - 58:17 upcoming ^[1] - 125:8 ups ^[11] - 56:17, 56:25, 57:12, 57:14, 58:3, 58:23, 110:23, 110:24, 110:25, 111:1, 143:16 upset ^[1] - 274:25 upstate ^[1] - 323:2 upward ^[2] - 75:15, 75:16 usage ^[1] - 137:2 uses ^[4] - 99:12, 99:13, 319:14, 319:16 usual ^[3] - 9:19, 275:23 utilizing ^[1] - 336:15</p> | <p>verdict ^[4] - 16:14, 16:18, 16:20, 344:5 version ^[5] - 110:14, 110:20, 124:20, 160:2, 160:4 versions ^[1] - 110:12 versus ^[3] - 4:7, 173:6, 177:5 vessels ^[1] - 309:6 vice ^[3] - 27:6, 27:9, 52:12 VICKIE ^[1] - 2:5 Victorian ^[1] - 299:24 VIDEO ^[2] - 45:19, 310:7 video ^[22] - 9:5, 11:11, 11:20, 21:25, 22:1, 23:7, 92:10, 241:4, 302:14, 303:5, 310:2, 340:22, 341:3, 341:6, 341:9, 341:11, 341:24, 343:16, 343:21, 343:22, 343:24 videos ^[1] - 302:7 videotape ^[5] - 342:3, 342:9, 342:12, 342:23, 342:24 view ^[21] - 32:20, 39:7, 44:25, 63:24, 67:8, 68:2, 68:4, 68:24, 73:1, 81:13, 87:20, 180:5, 180:7, 260:18, 273:19, 298:8, 306:1, 306:11, 316:1, 322:22, 329:8 viewed ^[2] - 158:2, 158:13 viewer ^[1] - 299:1 viewing ^[2] - 48:22, 152:20 views ^[1] - 72:22 virgin ^[1] - 236:16 virtue ^[1] - 146:2 visit ^[2] - 171:1, 239:21 visited ^[8] - 30:21, 151:16, 171:4, 171:5, 238:1, 239:19, 239:25, 240:5 visits ^[1] - 55:21 visual ^[2] - 191:18, 252:16 vodka ^[158] - 32:3, 32:4, 32:6, 32:17, 33:14, 34:8, 35:12, 35:22, 35:23, 35:25, 36:5, 36:8, 36:14, 36:15, 36:16, 40:1,</p> | <p>40:12, 43:11, 43:16, 44:11, 44:16, 63:5, 63:8, 63:11, 63:14, 63:22, 65:11, 65:14, 65:17, 66:2, 66:15, 66:22, 66:23, 66:24, 67:8, 67:21, 68:3, 70:18, 70:22, 71:6, 71:11, 71:23, 72:8, 72:16, 75:15, 75:18, 75:24, 76:1, 76:5, 76:8, 76:14, 76:23, 77:1, 77:2, 77:3, 77:7, 80:10, 81:6, 82:9, 83:24, 84:3, 84:18, 86:21, 115:9, 119:8, 125:7, 127:20, 131:22, 132:15, 134:22, 135:12, 137:10, 137:23, 140:23, 141:1, 141:5, 141:11, 141:12, 141:14, 141:19, 141:24, 142:2, 142:10, 142:11, 142:15, 142:19, 146:3, 146:10, 147:15, 149:23, 151:12, 151:23, 152:5, 152:13, 158:8, 160:9, 160:10, 168:23, 169:8, 169:9, 169:18, 173:20, 173:25, 174:10, 174:13, 174:20, 181:8, 181:15, 182:24, 183:18, 184:12, 184:19, 185:1, 185:21, 185:25, 187:2, 187:22, 187:24, 189:18, 194:4, 227:22, 227:23, 232:16, 232:18, 236:15, 236:22, 242:9, 246:5, 250:25, 255:1, 255:23, 257:8, 261:17, 263:13, 278:14, 282:19, 287:1, 290:22, 293:19, 294:5, 294:22, 301:19, 303:7, 312:15, 314:20, 320:19, 322:24, 323:17, 323:20, 324:16, 324:25, 334:6, 334:17 Vodka ^[143] - 28:4, 31:2, 31:3, 31:10, 33:1, 33:21, 34:1, 37:20, 38:2, 38:12,</p> | <p>39:5, 39:11, 40:17, 40:21, 42:21, 43:2, 43:20, 43:22, 43:25, 44:2, 44:15, 45:3, 45:9, 48:8, 48:22, 52:23, 52:24, 64:11, 65:23, 66:1, 66:5, 66:10, 66:19, 67:19, 72:23, 73:1, 74:7, 74:14, 75:1, 75:8, 76:12, 76:16, 80:5, 81:23, 82:2, 83:6, 83:11, 84:10, 85:20, 87:13, 87:14, 87:18, 87:22, 89:22, 98:12, 115:18, 119:6, 122:4, 127:19, 137:18, 143:24, 204:8, 204:9, 204:12, 204:20, 205:2, 205:7, 205:12, 205:17, 205:20, 206:1, 207:5, 207:8, 208:1, 208:23, 209:13, 209:25, 210:7, 210:8, 235:1, 236:8, 244:4, 257:10, 282:6, 282:12, 288:21, 289:14, 290:20, 290:24, 291:12, 291:18, 292:1, 293:23, 294:9, 294:15, 294:23, 295:1, 299:14, 300:21, 301:8, 301:12, 301:15, 301:24, 302:21, 303:10, 305:17, 305:19, 307:8, 308:2, 308:20, 309:9, 312:25, 313:12, 313:19, 314:9, 314:16, 315:13, 315:20, 315:23, 316:8, 316:21, 317:20, 317:22, 317:25, 318:5, 318:25, 319:7, 319:14, 319:21, 319:25, 320:15, 322:5, 322:9, 322:13, 322:16, 322:22, 324:17, 324:19, 326:2, 329:18, 332:7, 338:3 Vodka's ^[3] - 294:20, 303:13, 323:24 vodka's ^[1] - 232:17 vodkas ^[24] - 40:6, 65:21, 70:8, 76:3, 76:19, 80:18, 84:12, 101:11, 115:8,</p> | <p>130:25, 132:8, 142:5, 142:14, 185:8, 188:9, 188:11, 188:13, 207:23, 227:24, 228:2, 291:18, 292:20, 333:14 voice ^[1] - 21:8 volume ^[11] - 41:6, 42:11, 42:12, 42:15, 58:22, 75:21, 77:4, 77:18, 88:3, 312:19, 317:8 volunteer ^[1] - 301:18 voted ^[1] - 241:25 voting ^[2] - 290:4, 290:8 VS ^[1] - 1:14</p> |
| <p>V</p> | | | | <p>W</p> |
| <p>vague ^[1] - 324:2 value ^[3] - 32:10, 84:12, 251:11 vanilla ^[1] - 242:7 variables ^[1] - 62:11 variations ^[1] - 89:18 varied ^[2] - 71:17, 71:22 varieties ^[4] - 170:9, 171:7, 186:20, 186:21 variety ^[2] - 171:1, 179:15 various ^[4] - 136:16, 158:2, 174:18, 185:2 vary ^[1] - 64:6 vast ^[3] - 57:11, 97:7, 345:11 Vegas ^[6] - 238:5, 239:13, 239:14, 249:22, 258:20 vegetable ^[1] - 234:10 vehicles ^[1] - 219:16 velocity ^[3] - 42:16, 42:25, 58:10 velvet ^[1] - 298:24 Vera ^[4] - 4:15, 5:22, 339:6, 339:19 VERA ^[13] - 2:11, 4:14, 5:21, 6:15, 8:1, 9:8, 12:20, 13:4, 13:9, 13:25, 92:11, 200:12, 339:21 verbal ^[2] - 154:5, 191:19 verbatim ^[4] - 155:11, 156:6, 156:11, 156:18</p> | | | | <p>W.A ^[5] - 26:8, 26:12, 26:20, 26:24, 27:2 wait ^[8] - 14:15, 16:7, 59:9, 80:19, 200:8, 245:24, 268:24, 343:2 waiters ^[1] - 236:3 waiting ^[3] - 11:21, 14:10, 45:21 waitresses ^[1] - 236:4 walk ^[2] - 104:17, 202:2 walking ^[1] - 105:24 wall ^[1] - 334:20 wants ^[2] - 10:14, 300:17 warehouse ^[1] - 203:24 warehouseman ^[1] - 219:2 warmth ^[1] - 298:25 Warner ^[1] - 231:8 warning ^[1] - 189:23 WAS ^[1] - 16:4 Washington ^[1] - 224:24 water ^[11] - 66:17, 232:18, 232:19, 232:20, 232:22, 232:24, 233:7, 236:22, 249:17, 322:14 waters ^[1] - 66:17 wax ^[4] - 37:19, 88:11, 88:14, 88:15 ways ^[8] - 61:5, 61:13, 90:9, 109:7, 135:13, 168:13,</p> |

| | | | | |
|--|--|---|---|--|
| <p>193:24, 322:8 wealth [1] - 321:9 wearing [1] - 19:11 web [5] - 180:4, 180:14, 181:15, 183:6, 241:4 Website [7] - 83:2, 240:18, 240:21, 240:22, 242:16, 242:17, 303:13 websites [1] - 55:15 Wednesday [2] - 17:24, 18:3 week [2] - 243:2, 277:11 weekend [1] - 9:4 weeks [2] - 148:10, 238:16 weight [3] - 46:8, 50:17, 128:7 welcome [1] - 19:11 well-being [1] - 298:25 well-informed [2] - 65:2, 65:3 well-known [17] - 101:22, 102:6, 102:8, 102:17, 128:17, 128:18, 129:18, 129:20, 129:21, 130:1, 130:3, 130:4, 130:10, 130:11, 130:15, 130:17, 130:25 well-structured [1] - 191:23 WEST [1] - 2:8 WESTERN [1] - 1:4 western [1] - 224:24 whatsoever [2] - 135:10, 305:21 Whisky [2] - 25:16, 26:23 whisky [5] - 33:15, 63:15, 63:23, 207:22, 328:1 white [11] - 100:13, 102:12, 112:19, 160:20, 161:14, 236:21, 260:24, 291:23, 292:10, 333:16, 334:4 White [2] - 236:13, 236:19 Whittier [4] - 201:14, 201:15, 201:18, 201:21 whole [10] - 18:23, 26:17, 31:19, 149:19, 171:1, 173:24,</p> | <p>181:20, 211:17, 226:13, 298:11 Wholesale [9] - 201:19, 201:20, 201:22, 202:10, 202:15, 203:2, 203:5, 203:16, 205:6 wholesaler [5] - 201:16, 209:1, 209:3, 209:6, 209:8 wholesalers [3] - 202:17, 236:2, 258:25 wide [2] - 36:12, 84:12 widely [2] - 129:11, 259:7 widen [1] - 292:14 wider [3] - 272:1, 272:3, 272:5 widest [3] - 288:3, 288:8, 288:10 width [2] - 271:1, 312:21 wife [4] - 203:3, 203:12, 248:12, 248:18 wild [6] - 154:24, 155:2, 155:9, 155:12, 156:18, 157:11 Willa [1] - 262:9 William [1] - 208:11 willing [6] - 33:11, 64:25, 123:9, 197:6, 199:14, 199:18 Willow [1] - 332:17 Wilson [8] - 189:25, 291:9, 291:11, 292:8, 292:19, 332:21, 332:22, 332:25 wilson [1] - 332:23 window [1] - 37:21 windows [1] - 227:14 wine [9] - 24:22, 25:9, 25:13, 103:13, 172:17, 172:25, 201:16, 229:3, 242:3 Wine [4] - 25:8, 230:7, 238:10, 303:9 Wines [1] - 185:24 wing [1] - 224:25 winning [1] - 241:13 winter [1] - 282:18 Wirtz [2] - 259:20 wish [8] - 13:23, 197:14, 199:15, 199:19, 268:19, 268:22, 268:25, 345:21 wished [1] - 200:5</p> | <p>wishes [5] - 6:11, 79:16, 79:22, 144:14, 276:3 WITH [1] - 347:16 withdraw [4] - 184:2, 318:15, 324:11, 324:20 withdrawn [3] - 57:22, 208:25, 209:13 witness [84] - 6:21, 7:2, 10:1, 10:2, 10:20, 11:8, 11:10, 11:11, 11:17, 11:20, 11:22, 15:24, 23:1, 23:4, 23:6, 23:7, 23:11, 23:14, 23:15, 23:18, 23:19, 23:22, 24:1, 45:15, 45:24, 47:11, 47:15, 47:17, 47:24, 49:21, 49:22, 50:5, 50:12, 50:14, 53:15, 59:9, 73:7, 78:23, 79:14, 86:9, 89:5, 91:7, 91:17, 92:9, 92:15, 92:18, 92:25, 93:3, 123:22, 124:3, 144:12, 151:4, 164:1, 183:23, 196:22, 197:2, 197:21, 197:23, 198:12, 198:15, 200:15, 200:20, 208:5, 214:5, 214:11, 214:17, 252:5, 268:21, 275:25, 281:1, 284:18, 285:5, 285:19, 338:13, 338:14, 340:22, 341:4, 341:9, 341:10, 341:16, 341:23, 342:3, 343:1, 343:4 WITNESS [34] - 3:3, 24:4, 24:7, 59:11, 73:11, 73:13, 78:25, 79:24, 81:2, 87:7, 91:15, 93:5, 93:8, 105:4, 124:4, 151:8, 175:21, 200:22, 200:25, 214:19, 214:22, 268:23, 269:5, 269:16, 274:11, 281:2, 281:14, 285:21, 287:16, 313:14, 324:6, 324:8, 324:12, 330:8 witness' [3] - 11:23, 14:21, 46:9 witnessed [1] - 38:21</p> | <p>witnesses [15] - 11:19, 11:21, 14:12, 35:22, 45:23, 46:21, 47:13, 50:10, 50:17, 170:1, 197:8, 199:15, 200:2, 340:20, 344:12 witnesses' [1] - 23:16 Wolf [1] - 206:20 WOLPERT [1] - 2:10 woman [6] - 216:7, 223:12, 223:23, 295:21, 296:20, 299:6 woman's [1] - 309:17 women [1] - 244:13 won [4] - 241:20, 241:21, 241:22, 241:23 wonderful [3] - 224:1, 224:11, 239:10 wonders [1] - 9:13 wood [1] - 319:14 wooden [1] - 264:22 word [20] - 7:7, 54:16, 131:21, 131:22, 131:25, 132:1, 158:20, 158:25, 163:11, 186:12, 189:13, 190:4, 210:25, 211:20, 219:4, 232:18, 263:2, 300:8, 306:22, 308:10 words [4] - 50:12, 104:1, 187:20, 262:12 worker [1] - 245:25 workers [1] - 219:11 Workers [1] - 220:2 works [6] - 9:8, 9:12, 100:4, 128:24, 204:18, 230:19 Works [1] - 219:14 World [3] - 230:6, 241:21, 322:1 world [26] - 25:9, 43:21, 43:23, 115:5, 115:6, 159:22, 160:1, 160:3, 160:22, 169:7, 171:14, 178:25, 184:25, 230:11, 231:25, 233:3, 235:6, 235:17, 236:5, 242:23, 295:14, 295:19, 296:25, 304:2, 314:3, 323:1 Worldwide [1] - 189:11 worried [1] - 203:14 worry [1] - 20:22 worrying [2] - 20:19,</p> | <p>227:9 WPA [1] - 221:22 write [2] - 84:6, 96:18 Writers [1] - 220:10 writing [1] - 8:10 written [13] - 8:7, 30:4, 30:5, 74:10, 96:23, 106:21, 129:15, 129:16, 148:20, 154:2, 191:4, 192:6 wrote [9] - 89:21, 96:2, 96:3, 113:21, 114:11, 155:8, 177:13, 213:6, 219:11</p> <p style="text-align: center;">X</p> <p>XO [1] - 225:19</p> <p style="text-align: center;">Y</p> <p>year [13] - 28:2, 29:13, 57:3, 61:11, 61:17, 77:15, 87:24, 89:15, 222:20, 243:5, 243:14 year-in [1] - 87:24 year-out [1] - 87:24 years [48] - 26:1, 26:8, 26:25, 27:5, 29:11, 37:15, 38:19, 39:18, 40:24, 52:6, 52:7, 69:15, 71:1, 80:11, 93:24, 94:9, 97:3, 97:5, 107:11, 125:5, 173:19, 179:9, 192:23, 202:24, 205:23, 216:9, 218:19, 219:2, 223:4, 224:2, 239:18, 239:19, 241:23, 244:12, 244:23, 245:17, 246:2, 247:2, 253:13, 258:2, 259:11, 275:14, 275:19, 282:24, 301:23, 305:20, 338:8 yesterday [2] - 5:13, 7:8 York [2] - 11:13, 323:2 YORK [2] - 2:9, 2:17 you.. [1] - 252:8 young [1] - 216:7 Young's [6] - 204:13, 204:16, 204:24, 204:25, 205:4, 205:5</p> |
|--|--|---|---|--|

younger ^[1] - 222:7
yourself ^[15] - 24:13,
30:13, 66:19, 93:15,
106:15, 139:20,
160:24, 172:8,
179:16, 201:8, 215:3,
271:17, 280:8, 294:4,
297:11
yourselves ^[1] -
345:16
YouTube ^[2] - 302:7,
303:5

Z

Zeigler ^[2] - 343:5,
345:9
Zeigler's ^[1] - 345:11
Zenobia ^[1] - 4:10
ZENOBIA ^[1] - 2:4
zero ^[4] - 166:10,
166:16, 166:18, 195:8